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COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST
WOMEN (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Second and third periodic reports of States parties

NIGERIA*

* This document has been reproduced as received.

For the initial report submitted by the Government of Nigeria, see CEDAW/C/5/Add.49 and Add.49/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.123 and 126, and Official Records of the General Assembly, Forty-third Session, Supplement No. 38 (A/43/38), paras. 610-670.

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PREFACE

The Federal Republic of Nigeria ratified, without any reservation whatsoever, the Convention on the Elimination of All Forms of Discrimination Against Women on the 13th of June, 1985 and in terms of Article 27.2, the Convention entered into force relative to Nigeria on the 13th of July, 1985.

As enjoined by Article 18(1) of the Convention, Nigeria submitted her Initial Report under the Convention promptly on 13th July, 1986. Nigeria's Initial Report, which transformed into CEDAW document **CEDAW/C/13/ADD.49** of 11th May, 1987; was later substituted by another Report CEDAW/C5/ADD.49/ Amendment 1 of 2nd December, 1987.

Nigeria's Initial Report aforesaid, was considered by the Committee on the Elimination of Discrimination Against Women (CEDAW) during its SEVENTH SESSION in 1988. In this regard see paragraphs 610-670 (pages 89-96) of the Report of the Seventh Session of the Committee on the Elimination of Discrimination Against Women.

This Combined Report, Nigeria's Second and Third Periodic Reports is submitted similarly in compliance with Nigeria's Treaty obligation and undertaking under Article 18(1) of the Convention.

All effort will be made to structure the Report in line with the CEDAW's General Guidelines Regarding the Form and Contents of Reports Recieved from States Parties under Article 18 of the Convention, a document adopted by the Committee at its 23rd meeting on 11th August, 1983. Due regard will also be had to CEDAW Guidelines for the preparation of Second and subsequent Periodic Reports Annex IV to official Records: Forty-third Session Suplement No.38 (F/43/38), annexed to the Report of the Committee's Seventh Session.

This Report, combining Nigeria's Second and Third Periodic Reports, will proceed from where the Initial Report stopped. It will highlight and give an overview of the progress made and obstacles encountered in the status of women in each of the articles of the Convention, since the submission and consideration of the Initial Report particularly in the first four years thereafter ending 1990 and the subsequent four years ending 1994.

It will in addition, address and nswer the concern of the divers Recommendations and Suggestions made since the date of the Initial Report, as well as those made before that date which were not addressed in that Report.

Finally, this Report has answered as far as is possible many of the questions raised by the Committee during the Consideration of Nigerian's Initial Report; being questions, the answers to which the Committee kindly obliged to defer till the Second Periodic Report.

INTRODUCTION

The Federal Republic of Nigeria is one of the largest countries in Africa covering an area of 923,768 square Kilometres and being as well one of Africa's most populous countries with a population of 88,514,501 per the 1991 National Census with women being 43,969,970 representing 49.68% and men numbering 44,544,531 representing 50.32%. It lies between latitudes 4° and 15° east of the Meridian. It lies North of the Gulf of Guinea and South West of the Bight of Bonny. It is bounded on the west by the Republic of Benin on the North by the Republic of Niger and Chad and on the East by the Republic of Cameroon.

The farthest distance from east to west of the Federal Republic of Nigeria is more than 1.120 kilometres; and from the North to South, it stretches to 1,040 kilometres.

2. Nigeria, like most Africa Countries, lies wholly within the tropics. Its climate is therefore basically tropical with its temperature ranging between 20° C and 40° C. There are two well-defined seasons, the dry season which lasts from November to March and the rainy season from April to October. The temperature is drier further North where temperatures range from 12°C to 36°C. Its climate therefore varies from tropical at the coast to subtropical further inland. The climate favours agricultural produce all the year round. Major cash crops include cocoa, rubber, palm produce, cotton, maize, millet and sorghum. Staple foods include cassava, yams, beans, plantain, etc. The country has currently embarked on the cultivation of large-scale wheat.

3. Nigeria is one of the most endowed countries in Africa. It has abundant land, water and human resources.

4. As has already been stated, Nigeria has an estimated population of 88,514,501 million of which 49.68% are women. The heterogenous society that makes the Nigerian Nation, together speak 250 languages peculiar to the multiferous ethnic groups. Notwithstanding the vast population, Nigeria is united by history, culture, national aspirations and developmental goals.

5. Nigeria, with an autonomous Federal Capital Territory Abuja, comprises a Federal Government and 35 territorial states. It is currently under a Millitary Government, which is assidously pursuing a measured transition programme that will handover power to a democratically-elected civilian Government during the last quarter of 1998. The time-table for this political transition programme is being implemented with the enactment of a new Constitution, the lifting of the ban on party politics, the registration of five grassroots political parties, the conduct of elections into local government councils on non-political party basis in March 1996 and on political basis in December 1996. Elections into state legislatures and of State Governors will take place in December 1997.

6. The current Millitary Government is pursuing a committed and well-designed programme of Democratisation. Elections at the Local Government, State Gubernatorial and Presidential levels have been carefully mapped out.

GENERAL LEGAL SOCIAL, ECONOMICAL AND POLITICAL FRAMEWORK WITHIN WHICH NIGERIA APPROACHES THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN WITHIN THE MEANING OF THE CONVENTION

7. THE GOVERNMENT

Nigeria is a Federation of thirty-five States and Abuja the Federal Capital Territory. Under the new Constitution, Abuja is a Mayoralty.

To date, Nigeria has had 4 Constitutions, starting from the Richards Constitution of 1946, through the 1952 Constitution and the Independence Constitution 1960, The Federal Constitution modelled after the British Westminister style of Government so also the Republic Constitution.

7.1 In 1979, a Constitution modelled after the American Presidential System was introduced in Nigeria. It provided for a House of Representatives and a Senate at the Centre and Houses of Assembly in the States. The head of Government at the Centre is the President assisted by the Vice-President, while in the States, the Government is headed by the Governor and assisted by the Deputy Governor.

Since the submission of the Initial Report, the Country has taken great strides towards the return of the country to a democratically-elected Government. Two new States were created in 1987 and 7 new States created in August 1991 and five more created in October 1996, bringing the number of States from 21 in the Initial Report to 35 as at date.

In addition, in a bid to bring government nearer to the people at the grassroot, the number of local governments was increased from 449 to 589 in 1991 and in 1996 a further 183 local governments were created.

8. LEGISLATION

The status of the Nigerian woman de jure is on the face of it enviable. The Nigerian woman has moved away from the stage of agitating for equal rights with men under the law because no discriminatory laws against her exist in the statute books of the country. The Constitution of the Federal Republic of Nigeria 1979, for the first time in the history of consitution making in Nigeria, guarantees rights on a basis of equality between men and women and by the same token removes discrimination on the basis, amongst other factors, of sex. By Section 39, the 1979 Constitution guarantees full equality between men and women with regard to their rights, obligations and benefits. See also Sections 17(1) and Sections 33-36. The Constitution also provides the instrument for the enforcement of those rights and obligations. Specifically, Section 39(1) of the Constitution of the Federal Republic of Nigeria provides as follows:-

Right to Freedom from Discrimination

39. (1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not by reason only that he is such a person-

(a) be subjected either expressly by, or on the practi calapplication of any law in force in Nigeria or any such executive or administrative action of the Government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, place of origin, sex, religion, or political opinions are not made subject; or

(b) be accorded, either expressly by or in the practical application of any law in force in Nigeria or any such executive or administrative action, any privi lege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, place of origin, sex, religion or political opinions.

9. Section 15(2) of the 1979 Constitution provides as follows:-
"National Integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association shall be prohibited".

9.1 Many similar provisions exist both in 1979 Constitution and in several other legislations. However, there is still the need to enact a separate municipal legislation under Section 12 of the 1979 Constitution as amended to give force of law to the provisions of the Convention. That way, the Convention will automatically become justifiable per se. That is to say, that the Convention will then be applied by the Courts in Nigeria, and its provisions can be pleaded in Court to buttress any claim to any fundamental rights or alleging the infringement of such right guaranteed under the Constitution. In this regard, section 13 of the 1979 Constitution enjoins all organs of government, all authorities and persons, exercising legislative, executive or judicial powers to conform, to observe and to apply the provisions of Chapter 2 of the 1979 Constitution which encapsulates Sections 13-22. The said chapter 2 of the 1979 Constitution makes provision for the political objectives (section 15); Economic objectives(section 16); Social objectives (section 17), Educational objectives (section 18) and the National Ethnic. The total effect of the and Directive Principles of State Policy (sections 13-22) of the Constitution is to capture the general intendment of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

(a) As examples - Section 15(2) provides-
"Political objectives 15 (2)...National integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited".

(b) Educational objectives18. - (1) "Government shall direct its policy towards

/...

ensuring that there are equal and adequate opportunities at all levels."

The de jure provisions have clearly set a favourable scenario in which the attainment of de facto equality can thrive. Subsequent sections of this Report will attest to that.

10. Concerning the implementation or enforcement of the legal rights guaranteed, section 42 of the 1979 Constitution provides that any person who alleges that any of his fundamental rights "has been, is being or is likely to be contravened" is free to apply to the High Court with jurisdiction in the area where the contravention occured for appropriate redress. Note that a person who merely believes that any person is acting in a manner likely to occassion a breach of fundamental rights in respect to him may apply in anticipation of such breach to the appropriate High Court to forestall the actual commission of the anticipated breach.

Section 42 of the Constitution provides as follows:-

"Special Jurisdiction 42. (1) Any person who alleges that any of the provisions of this chapter (fundamental rights) has been, is being or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress.

(2) A High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this Section and may make such orders, issue writs and give such directions as it may consider appropriate for the purpose of enforcing or Securing the Enforcement within the State of any rights to which the person who makes the application may be entitled under this chapter.

There is therefore the full Constitutional guarantee of a redress in any proven case of an actual breach or a perceived apprehension of an imminient breach of a guaranteed right.

It should be stressed that the Constitution of the Federal Republic of Nigeria, as amende d or modified is the supreme law of the land and any law that is in any wise inconsistent with any of the provisions of the Constitution shall, to the extent of the inconsistency be void.

The real problem is that Nigerians, both men and women are generally tardy about litigation. They choose what could generally fall into the classification of alternative Dispute Resolution.

11. It is essential to explain the recurrence of the perhaps unique references in the

divers sections of the Nigerian Constitution to the phrase-

"Sectional barriers, sex, religion, status, ethnic, or linguistic association or ties ..."

This phrase occurs because, as stated earlier, Nigeria consists of a very large land space with so many tribes, linguistic and religious groupings. Accordingly, in addition to the age-old equality war between the sexes, the Nigerian woman may also be subjected to discrimination springing from one of the odious categorisation to which the above quoted Sections 15(2) and 39 refer.

12. ACTION TAKEN IN THE LEGISLATIVE FIELD SINCE THE INITIAL REPORT

With a view to rationalising our law and bringing same in line with the general intendment of the Convention, the Attorney-General of the Federation organised a National Seminar on the 24th - 26th October, 1989, in his words-

"In response to the widely-held view that there was need to correct the anomalies, imbalances and prejudices in our laws relating to women and children... and to consider the issue of Better Protection for women and children under the law, with a view of making proposals for reform... because in our male-oriented society, women and children appear to suffer legal and social disabilities by the mere fact of their sex or status,"

13. The seminar raised and considered many issues, particularly those concerning social dissability, and discrimination against women; and concluded that having regard to the fact that discrimination was ingrained in our culture, and attitudes, the Seminar was pleased with the fact of identifying the areas of discrimation; and the need to change some of the attitudes; and that law can be a potent instrument in that change.

As a follow-up action, the Honourable Attorney-General in 1989 empanelled a very carefully chosen Committee, the national Committee on women and Children headed by a Judge to review the whole gamut of the law relating to women and children and bring the same into conformity with the CEDAW Convention and the United Nations Convention on the Rights of the Child. The Committee has completed its work and the Government will soon take action in the recommendations of the Committee with the possible enactment of the proposed Law on the Status and Rights.

Legislations to the benefit of women have since the consideration of the Initial Report been passed. The legislation which will be addressed under the appropriate head of this Report, include the National Commission on Women Decree, the Women Education Decree to mention just a few.

14. THE TRADITIONAL ROLE OF WOMEN IN NGERIA

All over the world, the role of women in National Development is determined by the socio-cultural environment of such society. Society's perception of women determines their status and place as well as the extent of their participation in nation building.

In the traditional Africa society, "the place of the women was in the kitchen". Having been so perceived women were relegated to the background and stereotyped in certain roles. This stereotyped role of women was drummed into and accepted by women from childhood. The traditional role of women was a baby factory. Sooner or later, she was expected to raise children. Women's contribution to National Development was in the area of child bearing. Women were, by custom, regarded as useful only for service at home and on farms.

In Nigeria, as elsewhere in Africa, society has traditionally placed a high premium on the birth of male children. The preference for male children still lingers on in Nigeria, even among the highly educated middle-class families. Pervasive and entrenched attitudes die hard. In such a society, women were to be seen (if seen at all) but not heard. Brought up in such an environment, women were tradirionally docile, subservant and powerless.

The long history of international contact with Europeans traders, missioneries and explorers and the eventual colonisation by Britain gradually introduced Western cultural values including religion and education to Nigeria. This association happily changed the face of things for the Nigerian woman.

Even before the launching of the International Decade for Women, successive Nigerian Governments have been commited to building an egalitarian society where every Nigerians, irrespective of age, sex or creed enjoys equal rights, the benefits and opportunities enshrined in the Constitution. Our social development policies and programmes have always been directed at the improvement of the equality of life of the individual, irrespective of sex. Section 17 of the Constitution, among other things, provides-

"Social Objectives. 17 - Freedom, Equality and Justice.

(1) The State social order is founded on ideals of

(2) In furtharence of the social order-

(a) <u>every citizen</u> shall have equality of rights, obligations and opportunities before the law.

(b) the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced."

15. With the signing and ratification by Nigeria, in June 1985, of the Convention on the Elimination of All Forms of Discrimination Against Women, Nigeria has become even more determined to remove those obstacles which impede the participation of women in full National Development efforts. Nigerian women on their own part, are set to examine more critically their roles to see how they have rather by default contributed to the relatively slow pace of their progress. As part of the Forward Looking Strategies for the Advancement of Women, a National Commission for Women was established in 1989. This was subsequently upgraded into a full fledged Ministry with a Woman as the Cabinet Minister and Chief executive Officer. This subsequently increased national awareness on women issues thereby encouraging the formation of

many NGOs shaping the right of women, as contained in the Constitution.

Many programme of Women in Development since the consideration of the Initial Report, have shown the requisite political will to eliminate discrimination and to secure for women on a basis of equality, all rights.

16. ADMINISTRATIVE ACTION AND CULTURAL PRACTICES THAT VIOLATE THE RIGHTS OF WOMEN

Nigerian women have generally come a long a way from the shackles of tradition, where parents were almost ashamed at the birth of a female child. The constitution and many laws of the land have given adequate statute-based protection to the rights of women in society, including their rights to equal educational opportunities and employment.

However, inspite of the de jure protection of women, there are still no enforcement laws that offer her succour when she is discriminated against by customs, attitudes and discriminatory religious practices. Administrative directives have also had great impact on the lives of women; at times directly derogate from the good intention of certain legislations. as an example, notwithstanding that there is no law that precludes a woman from standing as a surety for a suspect or a person standing trial, the practice has gained great currency with the Nigerian police, who preclude women as sureties, ostensibly to shield them from the unpleasant consequence of the suspect 'jumping bail'. With the direction of the Attorney-General of the Federation and the direct instruction of the Inspector-General, now women who meet the conditions set for bail, are on an equal basis with men, allowed to stand surety for a suspect. Women equally bear any consequence and risk arising from such activity. Happily, the Courts are vested with full authority to review any administrative action that is contrary to the COnstitution or any law and to reverse such action as illegal and void.

17. Of equal or even greater importance is the issue of women's perception of themselves, their goals and their expectations. For whatever legislation is enacted, whatever social reforms are effected, only an enlightened woman who understands herself, knows her principles, her duties and the means to demand, and enforce the same, can ever hope to reap the benefits conferred by the Constitution and the Convention.

18. The reap the benefits envisaged by the Convention, it is recognised that the issue of tradition, customs, attitutes, religion, illitracy and poverty should always be in perspective, for it soon becomes obvious that any assault on discrimination should not just be upon the legal, but also upon the foregoing "extra-legal" factors.

INDIVIDUAL ARTICLES OF THE CONVENTION

19. **ARTICLES 1 - 2**

Article (1) defines the term "Discrimination Against Women" as:

"any distinction, exclusion or restriction made on the basis of sex which has the effect" purpose of impairing or nulifying the reception, enjoyment or exercise by women, of human rights and fundamental freedoms in the political, economic, social, culture, civil or any other field."

Article (2) requires government to eliminate discrimination against women and annunciates government's obligation to promote equality and ensure full development and advancement of women through constitutional, legal and other appropriate means.

During the consideration of the Inital Report the Committee deffered the question whether laws specifically aimed to protect women against discrimination were under consideration.

As stated earlier, the Constitution of the Federal Republic of Nigeria 1979 is the Supreme Law (the basic law) and in section 39, the Constitution guarantees to women protection from discrimination based on sex.

Again, it is right to reproduce once more the provisions of Section 39 of the Constitution which specifically decree against discrimination. It states:

"Rights to Freedom from Discrimination"

39 - (1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion, shall not by reason only that he is such a person-

(a) be subjected either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions which citizens of Nigeria of other communities, ethnic groups, place of origin, sex, religion or political opinions are not made subject; or

(b) be accorded either expressly by or in the practical application of any law in force in Nigeria or any such administrative or executive action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions.

(2) No citizens of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth".

20.1 Notwithstanding, that the Nigerian constitution uses the term "Discrimination based on sex" rather than "discrimination against women", as in the text of Article 1 of the Convention, there is no controversy that the relevant sections where that construction is used respectively seeks to protect women from discrimination merely on account of the fact that they are women. This is so because, Nigeria being as male-oriented as it is, no man has ever seriously raised the issue that he is being discriminated against. The constitution in Sections 15(2) and 39(1) and (2) which have been acclaimed to be a milestone for Nigerian womanhood was inserted to cure that imbalance. Earlier Constitutions did not mention "sex" in connection with discrimination. The equality of right similarly guaranteed under the fundamental objectives in Section 13-22 of the Constitution, protects all women irrespective of their marital status and other considerations. In this Report 1979 Constitution provides as follows:-

"Accordingly, national integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex, religion, status or linguistic association or ties shall be prohibited."

Since the submission and the consideration of the Initial Report, a committee, the National Committee on Women and Children has been set up with the aim of a comprehensive review of all the laws in force and recommend appropriate amendment in line with the rights guaranteed by the Convention. That committee has since submitted to the Federal Government its report together with a Draft Law on the rights of women. It is hoped that the government will soon take action that hopefully leads to the promulgation of the Decree into law. The proposed law is very far reaching, touching on all the aspects covered by the Convention. In addition, the draft legislation clearly defines the phrase "descrimination against women". It also imposes penal sanction to punish acts of discrimination based on sex. It is hoped that the legislation would have been passed by th time of the 4th Periodic Reort, and the provisions of legislation will be elaborated in that report. Also, during the periodic under review, in view of the mounting complaints of sexual harassement in schools, the Federal Government set up the National Committee on Sexual Harassement, to examine the issue and make recommendations. That Committee also, has completed its work and submitted its report. Government will similarly come out with a law to protect girls and women from sexual harassment at school and at the workplace. Apart from the nascent laws mentioned above, the Criminal Code as well as other relevant legislation protect women against rape (Section 357 of the Criminal Code and Section 282 of the Penal Code), indecent assault (Section 360 of the Criminal Code and section 268 of the Penal Code), assault occassioning bodily harm. Other laws passed and policy directives issued since the consideration of the Initial Report include the Women Education Act which seeks to correct the imbalance between boys and girls, in the educational sector, the Health Policy, the Agricultural Policy and the National Policy on culture.

20.2 To further implement the provisions of the Convention in Nigeria, the Federal

Government recently set up a Committee known as the National Committee on the Elimination of All Forms of Discrimination Against Women. That Committee amongst other things is charged with ensuring the collation, preparation and submission of Nigeria's Periodic Report, making recommendations on policies and implementation modalities as related to the Convention and the monitoring and assessing the level of implementation of the Convention. The Health Policy, Agricultural Policy and the National Policy on Culture were also passed.

ARTICLE 3 LEGISLATION AND MEASURES

Article 3 requires that States should in all fields, particularly in the political, social, economic and cultural fields take appropriate measures to guarantee to women, the exercise and the enjoyment of fundamental freedoms on a basis of equality with men.

As stated earlier on in this Report, the legal status of the Nigerian woman is, on the face of it enviable. The Nigerian woman has gone beyond the stage of agitating for equal rights with her menfolk because hardly any disciminatory laws against her exist in the statute books of the country. The constitution of the Federal Republic of Nigeria 1979 not only guarantees full equality between men and women with regard to their rights, obligations and benefits, the Constitution specifically prohibits discrimination on the ground of sex and provides the instrument for the enforcement of those rights and obligations. As citizens, women are entitled to all the fundamental human rights guaranteed in the Constitution and can often challenge in court any attempt by any person to interface with the exercise of any of those rights. Admittedly, since December 1983, Nigeria has been under Military rule. But the Federal Military Government has done nothing to alter the favourable position of women before the law, as envisaged by the 1979 Constitution. As a matter of fact, it has been a policy of Government that at least one woman be included in all the cabinets of the then 19 State Governments. Till date that policy remains.
The Federal Military Government had appointed several female Permanent Secretaries, a Deputy Inspector-General of Police, Assistant Inspector-General and several female Commissioners of Police. There were female deputy Governors in Lagos, Kaduna and Cross River States. Many women won elections as Chairpersons and Local Government Councils during the recent Local Government elections in 1996.

21. The Policy of Government to select at least one woman as a Commissioner (Cabinet Minister) is laudable, considering that it is the first of such directive in the history of Nigeria and it has become the spring-board of many high-level appointments for women.
All laws are applicable with equal force to the entire populace, men and women alike. Legislative provisions are, unfortunately not always matched with adequate enforcement measures. However, an active National Committee on the Convention on the Elimination of Discrimination Against women has been set up to monitor implementation of the provisions of the convention. The National Human Rights Commissions has been established to deal with all matters relating to the protection of human rights; monitor and investigate all human rights voilations and assist victims and assist victims and seek redress and remedies on their behalf. There is in addition the free Legal Aid

Services for women provided by the Federal Ministry of Women Affairs and Social Development.
The application of certian laws, bureaucratic directives and decisions, coupled with ingrained attitudes, behavours and cutoms have worker to install practices the combined effect of which is to discriminate against women and abridge their legal rights and acess to otherwise commonly-owned resources. This in turn prevents the full participation of women in the enjoyment of the commonly-owned benefit-economic, political and social development processes, an effect which could not have been intended by the legislature. In this regard any discriminatory administerative directive which is contrary to the Constitution or any written law shall be reversed by a Court of competent jurisdiction as being of no effect.

22. During the Consideration of the Initial Report, the Committee raised a number of unanswered questions under Article 3. In respect of some other questions, to which answers were supplied, it has become necessary to revisit those question in the light of changed circumstances since then.

It was asked whether there is a law that addresses the issue of prostitution. The answer is yes. Except that the existing legislation does not address the issues of prostitution as such, yet the provisions are fa-reaching enough particulary in the protection of young girls between the ages of 13 and 16 years. The issue of prostitution has as yet not attained the levels of a "tourist sex industry". It is believed that existing provisions in the Criminal and Penal Codes are sufficient to address the sporadic occurence of procurement and detention with a view to prostitution. Penalty ranges from 7 years to life imprisonment.
The offence attracts an aggravated sentence if the victims is a minor.

Notwithstanding that there is no specific law making prostitution an offence, in practice the police and law enforcement agents often raid brothels and other known operational bases of prostitutes. They are often arrested and sometimes taken to Court and perhaps charged with soliciting or wandering or constituting a public nuisance or with obscene behaviour and pur. .hed as provided by law.

23. ARTICLE 4 - TEMPORARY SPECIAL MEASURES, AFFIRMATIVE ACTIONS TO ACCELERATE EQUALITY BETWEEN MEN AND WOMEN

Under Article 4, States Parties are enjoined to take temporary measures to accelerate de facto equality between men and women. Nigerian women have become exposed to equal opportunities as their menfolk and have proved competent to creditably discharge the functions assigned to them. The trend followed by Nigeria to stop the marginalisation of women is part of a global awakening to the benefits of emancipation of women in National Development. The up-grading of the National Commission for Women to a full fledged Ministry for Women Affairs and Social Development recently gave credence to the policy on womanhood as promoted by the Nigerian government which has, apart from carrying out the provisions of its Constitution and the National Commission for Women Decree, strongly encouraged the Inter-relationship of women world-wide. This culminated in the sponsoring of a large number of Nigerian women to the World Conference on Women (organised by the United Nations in Biejing

China in 1995).

The measures adopted shall not be regarded as a discrimination against men but shall be discontinued when objectives of equality of opportunity and treatment have been achieved. In this regard, any reverse disciminatory measures in the maternity sphere, shall in no way be regarded as discriminatory. The essence of Article 4 is that State Parties should make special effort to integrate women into all spheres of life from which they had hitherto been excluded.

In Nigeria, since the submission and consideration of the Initial Report, many temporary measures in terms of Article 4 have been adopted to fully integrate women in all areas covered by the Convention.

They are as follows:-

(3) (a) It was asked what action had been taken to identify those actions and customs which abridge the rights of women;including polygamy, early pregnancy, female circumcision, etc.

In this regard, the issue of female circumcision has been forced into international agenda of practices harmful to the health of women, a national committee on the issue was set up and as a result, massive public enlightenment campaign has been set up in the media, in churches, in anti and post natal clinics and child welfare clinics, to educate women particularly rural and illiterate women on the harmful effects of Female Genital Mutilation. The draft Children's Decree makes Female Genital Mutilation an offence. Also the proposed law on Female Genital Mutilation Unit of Federal Ministry of Women Affairs and Social Development is on the way and NGOs like Inter-African Committee on Harmful Traditional Practices are embarking on education on Female Genital Mutilation (FGM), early marriage, Vesico (VVF).

(b) The Women Education Programme and the Federal, State and Local Government Women Education Committees have also mounted enlightenment campaigns on the advantages of women education and the sad effects of early marriages and school dropouts in females. In some parts of the country, tuition is free for girls and more exclusively girls schools have been established and some are still being established.

(c) Concerning polygamy, the practice still thrives. However, as women and girls become more educated and economically viable, the practice will gradually fall into disuse. Sustained enlightenment campaign in the areas averted to above continues.

24. Under the Criminal Code of Nigeria, there are extensive provisions collectively reffered to as offences against morality, against those who encourage the prostitution of women and girls under 16 years, against those who allow persons under 16 to be in brothels, those who procure, persons who trade in prostitution (illegal traffick), those who keep brothels, unlawful detention with intent to defile or defilement and the detention of persons in brothel.

In the area of education, the Women Education Programme which aims at achieving a 30% female school enrolment by the year 2000 has been adopted. In this

wise, in addition to 22 co-educational secondary schools established by the Federal Government, there are also 22 secondary schools across the country for girls only. There is only one Federal Secondary School in the country (Kings College Lagos). To achieve the goals of Article 4, the National Women Education Programme is assiduously pursuing programmes aimed at measuring the enrollment of girls and women in formal and non-formal educational institutions, vis-a-vis boys. The aim of the Blue-print on Women Education Programme in Nigeria which was adopted in 1987 by the National Council of Education was to accord women several concessions in order to increase their participation in the country's educational process. The concessions include free education, establishment of special schools for girls, lower cut-off points for admission into secondary schools, legislation to discourage the withdrawal of girls from school; etc.

25. The main thrust of the Women Education Programme was that by 1992, literacy level would have gone up to 30% from 5% since 12 women would be trained annually to be self reliant by basic literacy and functional training in the 13 Women Educational Centres existing in each State. In the first year of the existence of the Women Education Programme, female primary school enrollment rose to 56% in 1987, up from 55% in 1984/85. Also female secondary school enrollment rose to 42.2% in 1987 down from 7.2% in 1975/76.

26. The programme has been a resounding success. From available statistics by the Federal Office of Statistics for 1996, the female literacy level is 41%. Female school enrolment has risen from 56% in 1987 to 63% in 1993 for Primary School; and 67% in 1993 in Secondary School from 42.2% in 1987. For University enrollment it is 27% in 1990. (Vide statistics in Article 10 on education).

27. In the field of employment into decision-making position, the Federal Government has pursued a deliberate policy aimed at up-lifting the status of women. In the Senior Management Cadre in the Public Sector, the figure has risen to 17.6% in 1992 as against 8.9% as at 1988.

Finally, the foregoing and the massive enlightenment campaign to awaken women to their rights in the diverse areas covered by the Convention have worked to improve women's lot by recourse to Article 4 of the Convention.

28. **ARTICLE 5 - SEX ROLES AND STEROETYPING OR MODIFYING OF CULTURAL BEHAVIOUR**

The Article enjoins State Parties to take all appropriate measures:-

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women.

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common upbringing and development of their children, it being understood that the interest of the children is the para-

mount consideration in all cases.

The Federal Government, in pursuance of its programme of national mobilisation, self-reliance, re-orientation, integration and economic recovery through the use of culture and its components, launched the National Cultural Policy whose aims and objectives include the following:-

(i) Evolve a national culture and promote an educational system that motivates and stimulates creativity and draws largely from our traditional values, namely: respect for humanity and human dignity, for legitimate authority and the dignity of labour, and respect for positive Nigerian moral and religious values;

(ii) Promote creativity in the fields of arts, science and technology, ensure the continuity of traditional skills and sports and their progressive updating to serve modern development needs as our contribution to world growth of culture and ideas;

(iii) To establish a moral society, enhance the quality of life, produce responsible citizenship and enhance national self-sufficiency.

SEX ROLE STEREO-TYPING AND PREJUDICE IN NIGERIA

Although the National Policy on Culture made no overt references to a national effort at elimination of discrimination against women, the provisions as far as they are aimed at uplifting the lot and lives of the people do imply this.

Organisations which serve towards the realisation of these objectives include the national Council for Arts and Culture, (NCAAC). the National Commission for Museums and Monuments (CMM), the Centre for Black and African Arts and Civilization (CBAAC) and the National Institute for Cultural Orientation (NICC). Others are the Nigerian Film Corporation, the Nigerian Copyright Commission, and the National Film and Video Censors Board (NFVCS).

Whilst some of these seek to evolve and promote cultural objectives listed above, others such as the Nigerian Copyright Commission, the Nigerian Press Council and the National Film and Video Censors Board are committed towards the monitoring of the communication and cultural sectors with a view to ensuring that only uplifting material which is socially and morally acceptable are disseminated for public comsumption.

The commitment towards redeeming the status of women particularly with regard to sex role stereotyping and prejudice in the media is of major concern. For example, the National Film and Video Censors Board registers, censors and classifies both locally produced and foreign works, in order to determine their suitability and moral contents, and eliminate the distribution and dissemination of obscene or lewd works.

The organisation registers distributors, production studios, importers and exporters of film and video works, and licences video clubs. It also regulates and controls

cinematographic exhibitions and performs other functions as prescribed by decree No 85 of 1993.

The Cultural Policy provides that adequate attention and coverage on radio and television must be given to children, public service and cultural programmes, and televisions stations must produce at least 80 percent of their programme content locally. In addition government is committed to ensuring that there is judicious balance between local and foreign broadcast materials and to promoting easy accessibility of electronic communication sets to Nigerians.

The National Orientation Agency (NOA) was established by Decree No. 100 of 23rd August, 1993 and its functions includes amongst others to:

(a) energise the conscience of both men and women to their rights and privileges, responsibilities and obligations as citizens of Nigeria;

(b) propagate and promote the spirit of dignity of labour, honesty and commitment to quanlitative production, promotion and consumption of home produced commodities and service.

Like the Family Support Programme, State and Local Government arms have been established and they work towards the identification of development activities which can be jointly promoted, financed and organised in order to "establish social institutions and framework for deliberate exposure of Nigerians to democratic norms and values for a virtuous, peaceful, united progressive and disciplined society", to develop among Nigerians of all ages and sex, social and cultural values, an awareness which will inculcate the spirit of ....self discipline and self reliance", and "encourage informal education through public enlightenment activities and publications".

A substantial percentage of Nigerians live in the rural areas and most of them are women, it is obvious that activities by organisations such as these will serve to increase awareness amongst women, of events around them and sensitive them towards involvement in activities which will break the bonds of isolation and underutilisation. The National Cultural Policy stipulates that crafts should be adequately identified, preserved, promoted and developed. Other national programmes aim at the enhancement of the status of the artist/craftsman and at encouraging the adaptation of traditional design and craft to the needs and requirement of modern times.

The encouragement of the establishment of craft villages, shops, and training facilities which are normal preserves of the rural areas in general, and a traditional occupation for women specifically, is envisaged to help promote self-sufficiency and self-worth. This is because it is recognised that women play an important role in the handing down of craft activities, especially as they usually function through trade and craft co-operatives.

Nigeria is a country steeped in tradition in certain parts of it. In the purely traditional society, the woman is subjugated in marriage, in divorce and in widowhood. However, with greater education and with Government's positive and supportive attitude, things have somewhat changed for the educated women but the rural tradi-

tional woman is yet to reap these benefits.

Happily, these odious and de-humanising practices and prejudices which in the past were actually fueled and legalised by statutes, have been redressed by the 1979 Constitution, viz:-

Section 31 of the 1979 Constitution provides-

Right to dignity of the Human Person.

31 - (1) Every person is entitled to respect for his human person and accordingly-

(a) no person shall be subjected to torture or to degrading or inhuman treatment."

Attitudes die hard. Therefore, the complete eradication or "deprogramming" of these cultural attitudes, prejudices and unconstitutional customary practices must necessarily be a slow process. Hopefully, as the society becomes more educated and enlightened, the practices will wither and finally die off.

Having said so, it is gratifying to note that the Nigerian women is not simply sitting idly by and hoping that those odiuos customs are washed away.

Enlightenment campaigns have been mounting to attract most the odious practice in widowhood. Seminars have been organised to educate women who mostly are the planners, executors and curators of the inhuman widowhood riruals on fellow women, at a widowhood practices workshop organised in 1989, the main aim was:-

(1) to draw attention to the plight of widows in the traditional milieu of the Nigerian Society - an area of social and legal discrimination against women hitherto neglected.

The Workshop which was attended with nation-wide enthusiasm, reached conclusions and drew up a blueprint for possible Government action.

The Communique issued at the end of the Seminar-

(i) Invited husbands to make wills protecting their wives; and such will to be enforced by the traditional ruler and local Government Chairman. No widow should be forced to marry the relation of her deceased husband.

(ii) Called for the abolition of inhuman widowhood practices and called for uniform widowhood rites for widows and widowers alike.

(iii) Enlightenment of rural dwellers through Adult Education programme, church sermons local seminars on the harmful effects of inhuman widowhood practices.

29(a) **EDUCATION**

With a view to eliminating sex sereotypes, the National Council on Education adopted the 6-3-3-4 (6 years Primary, 3 years junior secondary, 3 years senior secondary and 4 years University) system of education, with boys and girls undergoing exactly the same syllabus. Both girls and boys study domestic science and needlework courses as well as study woodwork and technical/mechanical subjects.

29(b) **WOMEN'S SELF-WORTH**

With the introduction of many aspects of Better Life for Rural Women and currently the Family Support Programmes, functional literacy and education, simple farming implements provision, formation of co-operatives, the rural women and the urban poor women are encouraged to re-assess themselves to get more economically viable and so lead a better and more fulfilled life.

30. During the consideration of the Initial Report, it was asked concerning the laws punishing for rape and violence against women.

Section 357 of the Criminal Code (Cap 77 Laws of Federation 1990) defines the offence of rape as-

> Definition 357.: "Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear or harm, or means of false and fraudulent representation as to the nature of the act, or in the case of a married woman, of impersonating her husband, is guilty of an offence called rape."

Punishment for rape - 358 - Any person who commits the offence of rape is liable to imprisonment for life, with without caning.

30.1 Accordingly, the laws of Nigeria view the offence of rape with utmost seriousness and disgust. Unfortunately the records of rape offences is not available. However, it is a fact that although there are sporadic instances of deviant men committing rape, the offence has not attained endemic proportions.

What is more noticeable is better described as "defilement", where male sexually abuse children left to their charge; or where adult person abuse children. That offence is viewed with greater revulsion and is visited with unmitigated punishment.

30.2 From the provisions of Section 357, it becomes very clear that statutorily, spousal rape is not an offence in Nigeria. Infact it is usually an exception to the offence of rapes.

In a traditional setting, spousal rape is inconcievable. Under Nigerian Laws in both Section 357 of the Criminal Code and Section 282 of the Penal Code, a husband cannot be charged with marital rape. Once the marriage is subsisting and the wife has attained puberty then any sexual intercourse with her is never a rape.

30.3 There is no law that specifically protects a woman against violence perse. However, Section 252 of the Criminal Code provides as follows:-

"Definition of assault.252 - A person who shrikes, touches or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly without his consent, if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent.... is said to assault that other person. The term "applies force" includes the case of applying heat, light, electrical force, gas odour or any other substance or thing whatsoever, if applied in such a degree as to cause injury or personal discomfort.

Again, there is no immediate record of the prevalence of violence against women within the home. This is because women hardly report violence to the police for fear of reprisal from both the husband and the wider family. In addition, the law enforcement agents do not readily entertain complaints of domestic violence. They treat such complaints as the minor offense of "two fighting" or laugh it off as "husband and wife problem". Women prefer to settle such issues by the alternative dispute resolution at the family forum.

30.4 Concerning shelter for battered women, none exists for the reason that such shelters will not be patronized for fear of disgracing both her maiden family and her married family.

While conceding that domestic violence exists (perhaps to endemic proportions), until the women are motivated to report their domestic quarells, then the Court will not be energized to intervene. The International Association of Women Lawyers (FIDA) Nigeria, has set up a legal clinic to educate women on their rights. The Federal Ministry of Women Affairs and Social Development has similarly set up a Legal Aid Clinic and Legal Education Programmes etc to enlighten women and help relieve such complaints.

30.5 Article 3.5(b) invites States to ensure that family education includes a proper understanding of maternity as a social function.

The Women Education Programme incorporates as one of its policy objectives, inter alia, awakening consciousness of all women to the need for the Development of a positive self image.

A pilot Youth Scheme has been installed. The programme is designed for female Senior Secondary School Leavers to take care of the transitory period between secondary and university education.
It touches on training in all aspect of family life. Also the national awareness campaigns for the Women Education Programme have been embarked upon at the State and Local Government levels to dislodge the long ingrained belief that education was irrelevant to women, whose vocation in life was mainly marriage and child bearing. The campaign was aimed at parents, the general public and women in particular.

The programme was launched in 1992 in Lagos and has since been launched State and Local Government levels to educate the populace at the grassroots.

30.6 THE NATIONAL POLICY ON COMMUNICATION

Nigeria, as a member of the Organization of African Unity (OAU) is a signatory to the common African Information and Communication Policy and has established a National Policy on Communication as well as a National Cultural Policy.

In recognition of the changing orders in these sectors, national policies are geared towards establishing and sustaining regional self-reliance which will strengthen existing institutions, intensify and motivate training of personnel and update of capabilities and competence, reduce misrepresentations and misconceptions in the sectors, and integrate projects for the development of communication and cultural infrastructure, institutions and human resources.

The cardinal national policy objectives of the electronic media comprising video, television, Film, communication satellite, computer and telephone are, among others:

(a) to disseminate information to enhance the welfare of the people of all aspects of life,

(b) to provide an efficient broadcasting service to the entire people based on national objectives and aspirations, and the need to improve the quality of life;

(c) to structure the broadcast of its educational programme and the curriculum schedule on the provisions of the National Policy on Education.

The policy authorizes the establishment of over one hundred thousand (100,000) viewing and listening centres to ensure a free communication flow. The policy further encourages the combined use of traditional and modern means of communication and the use of indigenous forms and modes to communicate new realities and new possibilities especially to the rural more traditional-oriented masses of the population.

To this end, the Town Crier and similar systems in the village structure are to be equipped with modern instruments of communication for a greater reach and better effect; and various clubs and societies based in the rural or local government areas are encouraged as much as possible to use the community-based media as outlets for their creativities.

The National Policy on Communication also provides for private ownership of electronic media which are to be regulated by the Private Broadcasting Decree.

The Policy provides for the right to publish books, for the co-existence of government and private newspapers with neither side enjoying a monopoly. Thus, it establishes regulation against monopoly to prevent the misuse of the print media by a few rich and powerful individuals or groups of Nigerians. It is also a medium for raising levels of consciousness necessary for full participation in national programmes.

The media is infact one of the few professions in Nigeria where there is little discrimination against women. This stems from the fact that educational and training opportunities at all levels are open to both sexes so long as they can overcome handicaps such as funding, cultural and social restrictions caused by traditional expectations of what the roles and responsibilities of the various sexes are.

Although truly comprehensive registers have never been compiled by the various professional bodies, women have held important and relevant positions in the media and continue to do so. The levels to which they can rise however, are not commensurate with their numerical strength and years of service at the upper echelons remain in the control of the opposite sex.

Average percentage of women employed is about 40%. These are mainly in the lower cadres.

There is no clear cut obstacle preventing women from moving up the ladder. Promotion is gradual and depends much on individual competence, hardwork ad qualification.

It may be argued that a major reason for the absence of women in the upper echelons of the communication industry is the high intellectual capabilities needed for holding down these types of jobs. In addittion to being time consuming, competitive, result-oriented and demanding of high levels of dedication and competence, note must be taken of the similarity between the professionally productive years (25 - 40) and the sexually productive span of the woman's life. Quite often she finds herself, just at the time when should be paying attention to establishing a good hold on the upper rungs of professional ladder, being forced to divert her attention and to concentrate more on the more socially acceptable job of home-making and child rearing.

In the National Institute of Public Relations (NIPR), they constitute 18.5% of the total registered membership; 25% are full members and 14% are graduate and affiliate members.

Compared with records in more advanced countries the impression may be given that the Nigerian woman has not achieved much in the march towards the elimination of discrimination against women in the professional field. However, much can be seen to have been achieved when we remember that these developments have occurred in the country within a short time frame of about fifty years. Nigeria attained independence in 1960 and has moved from an agricultural and subsistence economy into a modern and multi-facetted one.

Other obstacles which stand in the way of self-actualization are cultural and traditional handicaps which must first be overcome in order to get a good education. The National Policy on Education ensures that there is no discrimination against female at all levels. Provisions are infact in place in certain areas to ensure that not only are females encouraged to get a good education but that parents and guardians are motivated to send them to school and keep them there.

31. ARTICLE 6 - TRAFFIC IN AND PROSTITUTION OF WOMEN

This Article in effect invites all States Parties to take appropriate measures to suppress prostitution and all forms of the sexual exploitation and traffic in women.

Existing Nigerian law, in the main, punishes the exploitation of prostitutes. It does not make prostitution per se an offence.

Under the Criminal and Penal Codes of Nigeria, there are extensive provisions to proceed against those who encouragd the prostitution of girls under 16 years, against those who allow persons under 16 to be in brothels, those who procure, persons who trade in prostitution (illegal traffic), those who keep brothels, unlawful detention with intent to defile or defilement and detention in brothel.

Except that the existing legislation does not address the issue of prostitution per se, those provisions are far-reaching enough particularly in the protection of young girls from the odious practice of trafficking and exploitation.

Notwithstanding that there is no specific law making prostitution an offence, in practice one notices that the police and law enforcement agents often raid brothels and other known operational bases of prostitutes. They are often arrested and sometimes taken to court, perhaps charged with soliciting or wandering and punishment as provided by law. Punishment under this section can be up to 3 years in prison.

The Nigerian Criminal laws therefore does not only penalise the prostitute; they also penalise the procurers, traffickers, and their patrons.

Furthermore, the National Committee set up to review existing laws discriminatory against women did address the issue of prostitution and has made certain recommendations to Government.

As a commitment, the Nigerian Government has sent a high powered delegation headed by the Honourable Minister of Women Affairs, Ambassador Judith Attah to the Stockholm Congress on Commercial Sexual Exploitation of Children held on 27th - 31st August, 1996.

The Nigerian Government has in collaboration with various embassies been monitoring issuance of visas to intending travellers as a preventive measure on trafficking in women.

Government has established a Widowhood Scheme to train widows in Income-generating skills in order to discourage them from going into prostitution. It is hoped that the 4th Periodic Report will report on action taken in this wise.

It is apt to state here that enough prostitution exists, as practiced by "street walkers" it has not attained epidemic proportions. It is on the increase in view of the harsh economic scenario. However, existing laws are still sufficient to cope There are no orgsanised brothels sanctioned by the State. There are no "sex vacation eros centres" in the country. In addition , the syndrome of "mail-order brides" is unknown in Nigeria. There are no large concentration of foreign single male military populations within our borders at the moment. Accordingly, prostitution has not drastically increased since the Initial Report.

There are not yet any measures specifically set up to rehabilitate women engaged in prostitution. This is mainly because the women concerned carry out the trade surreptitously or nocturnally. It is usually difficult to find out whom they are and where they live since brothels have continued to decrease as a result of constant harassment by law enforcement agents. However, there are many functional education programmes under the Women Education Programme and similar programmes in which women engaged in prostitution can be retrained if they so desire.

32.1 ARTICLE 7 - POLITICAL AND PUBLIC LIFE

This Article requires that state Parties shall take appropriate measures to eliminate discrimination against women in the political and public life of the country and ensure to women on equal terms, the right:-

(a) to vote in all elections;

(b) to participate in the formulation of government policy;

(c) to participate in non-governmental organisation..... concerned with the public life of the country.

32.2 POLITICAL RIGHTS

Until the New Constitution was enacted in 1979, a large section of women in the vast Northern parts of the country were denied political rights. This state of affairs was actually entrenched in the earlier Constitutions. The 1979 Constitution, for the first time, included the provision that no person should be discriminated against on the basis of sex, political opinion. In this regard, section 37 of the Constitution provides:-

"Every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party".

Accordingly, the right of all citizen of Nigeria, regardless of sex, to run for office and indeed to form political parties and associations is guaranteed by the Constitution,

subject to certain statutory or constitutional restrictions which apply equally to men and women. Over the years, as women become more exposed to education and experience and experience in the professions, more women are offering themselves for elective offices and political appointments.

32.3 Successive Military administrative government have upheld the tradition of appointing at least one woman into Cabinet and Boards of Statutory Corporations. Statistics reveal that between 1987 to 1990, an increasing number of women have been appointed to top level and held political appointments to decision-making posts. These includes 93 State Commissioners, Director-Generals, 3 Deputy Governors and 2 Vice-Chancellors, 5 secretaries to State Governments.

Historically, in the pre-colonial days, women played key actual roles in politics.

Specifically, women played a laudable role in the fight for independence. For example, two women, Mrs Margaret Ekpo and Mrs Olufunmilayo Ransome-Kuti, were in the Nigerian delegation to the Constitutional talks in London in 1949. The same woman Mrs Margaret Ekpo was also in the 1954 Constitutional talks in London. She also spearheaded the Aba riots of 1929, protesting against colonial exploitation and excessive taxation by the British colonial masters. The 1929 "women's war" is a classic example of the women's heroic defence of community or national interests. There are many other women, Queen Amina of Zazau, Queen Idia of Benin, Moremi of Yoruba land and princess Inikpi of Igbalaland. Also in the Nigeria folklore, are Osun, Oya, Yemoja, Owan, Ohamiri, Woyengi and others who are all female deities. These mythical women were believed to have once lived and were very prominent in the making of their respective communities.

However, in the post-colonial era, women appeared to have lost all political teeth of the pre-colonial era. Many factors are responsible for the apparent low response of women to active elective office politics, irrespective of their numerical advantage. Some of the main reasons women shun active political participation include cultural, economic, biological and psychological factors.

32.4 Politics, they say, is a dirty game. Women therefore are discouraged from politics by the foul language, the smear-campaign and the unfair public X-ray of their past or present private lives. In addition, despite the effort of government to de-emphasise money in politics, politics still speaks the language of money; and very few women have that kind of money.

32.5 In 1995, preparatory to the transition programme, the First Lady of the Federal Republic of Nigeria, took a bold step of bringing women politicians on 13th-14th December together to discuss and prepare to launch into the political terrain. After this meeting, the Women in Politics Forum was strengthened and the Federal Ministry of Women Affairs and Social Development has approved and given encouragement to them. The Honourable Minister has followed up campaigning with women politicians and also election campaigns.

32.6 In Nigeria, there are about 69 newspapers and weekly magazines, 34 radio and television stations. The mass media therefore plays a vital role in campaigns and politics. Placing advertisements in the media cost a lot of money and many women do not have sufficient money to make extensive effective use of the media.

32.7 With the foregoing formidable obstacles in their way, women have been unable to radically respond to partisan politics for elective positions. Despite women's numerous advantages, women's performance in the December, 1991 election was far from impressive. For the Gubernatorial primary elections, each of the 2 parties presented 4 women. None of the 4 women went beyond the primaries. Of the 453 Local Government Chairmanship positions, women won only 16. women jointly occupied only 20% of the posts in the committees of the 2 political parties, the National Republican Convention (NRC) and the Social Democratic Party (SPD). In the March 1996 Local Government Zero Party elections, 9 female Chairmen were elected and 84 female Councillors were also elected.

32.8 See 33.7

32.9 Political activity in the current transition programme is still in its infancy so it is not possible to forecast how women will perform this time around.

33. **ARTICLE 8 - WOMEN IN INTERNATIONAL ARENA**

33.1 This Article enjoins States to afford women the opportunity to represent their Government at International level and to participate in the work of International organisations.

33.2 As has been stated earlier, there is no conscious discrimination against women in this regard. Nigerian Delegations to International Conferences often include women who are conversant with the workings of the organisation concerned or with the topics of the agenda.

33.3 The number of women representing Nigeria is steadily increasing since the Initial Report, four female ambassadors are appointed to represent Nigeria abroad. The Director-General in the Ministry of External Affairs until recently was a woman. The Executive Secretary of the West African Women's Association used to be a female career diplomat. In addition, Nigeria was represented on th Committee on the Elimination of Discrimination Against Women, (CEDAW), on International Research and Training Institute for the Advancement of Women, and on the Commission on the Status of Women.

33.4 In line with General Recommendation 8 of the Committee on the Elimination of Discrimination Against Women, women are given equal opportunity to represent the country on international organisations and are members of delegations to international meetings.

33.5 As at September 1991, there were 784 women in the Nigerian Foreign Service representing one-third of the total staff of the Ministry of Foreign Affairs:-

	Sept'91	June'96
Total number of women in foreign service		- 784
Number of female Foreign officers	- 73	128
Career female diplomats (Ambassadors)	- 70	4
Non-career diplomats	- 3	-
Number of women on foreign posting	- 95	70

33.6 Concerning the political will of the Government to fully integrate women into the development process by appointing women to decision-making posts, a President of the Federal Republic of Nigeria once said:-

> "The development of the Nation will be carried out in partnership with the women, and no one gender will be seen as the senior or junior partner in the relationship."

33.7 **AFRICAN PEACE MISSION**

Women are being encouraged to initiate actions that compliment and integrate women into the decision-making and leadership cadre of society.

At the 4th World Conference in Beijing 1995, Her Excellency, The First Lady of Nigeria, Mrs Maryam Sani Abacha called on the United Nations to organise a world conference on peace and this pronouncement prompted the African First Ladies and some parliamentarian present at the World Conference Beijing mandated the First Lady, Her Excellency, Mrs Maryam Sani Abacha to chain the African Peace Mission.

The First Lady's effort in this regard has awakened the roles women play and are seen to play in conflict resolution and dialogue especially in war torn zones within the continent.

As part of the efforts the First Lady organised the First ECOWAS Summit of the First Ladies of the sub-region held on 26th - 27th July, 1996 to address the issue of African Peace.

Presently, there are activities on Peace Mission being rigorously pursued and monitored by the Liaison Office in Abuja. This is under the direct supervision of the First Lady, Her Excellency, Mrs Sani Abacha.

Women's performance in politics is still sluggish particularly in the elective posts. However, they are fairing a little better in the appointive or selective posts. Until 1991, the Director-General of Ministry of Foreign Affairs was a woman. At present there are 3 female Ministers in the Federal Executive Council two of whom are junior Ministers.

A lot still remains to be done and with increasing education, it is hoped that the number of women on the international scene will continue to rise with time.

In the public service, women have done well. They have attained the post of judges, Director-General, Principals of Schools, Head of Extra-Ministerial Agencies. They have also done well in the private sector.

34. ARTICLE 9 - NATIONALITY AND CITIZENSHIP RIGHTS

34.1 Article 9 requires that States Parties should grant to women equal rights with men and to acquire, change or retain their nationality. In particular, States Parties should ensure that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife. It further requires that States shall grant to women, equal rights with men with respect to the nationality of their children.

34.2 Citizenship Rights of Women:- In Nigeria, no discrimination of any kind exists against women under the 19[illegible] Constitution in relation to citizenship or nationality rights. There is no distinction between a person who claims it from his father, mother or indeed from any of his grandparents. However, under sections 24 and 25 of the Constitution, while an alien woman married to a Nigerian man can apply for and obtain Nigerian Citizenship by registration or naturalisation, an alien man married to a Nigerian woman does not have any such corresponding priviledge. In addition, an alien woman married to a Nigerian man who does not wish to renounce her citizenship of birth in favour of the Nigerian citizenship may under regulations made pursuant to Section 29 of that Constitution, be granted special immigrant status with full residence rights.

34.3 Dual Citizenship:- Nigerian law recognises dual citizenship. However, no foreigner can acquire Nigerian citizenship by registration or naturalisation unless he first renounces the citizenship of his/her former country. It should be stated that a Nigerian woman married to an alien does not merely by that marriage forfeit her Nigerian citizenship; but she shall so forfeit it if she takes steps to acquire full citizenship status of that other country or renounces her Nigerian citizenship.

34.4 Domicile:- The domicile of a married woman under Nigerian law is determined by the Matrimonial Causes Act 1970. That Act under Section 2(2) constituted Nigeria into one single jurisdiction for the purposes of instituting a Matrimonial Cause. For this purpose, the High Court of any State shall have jurisdiction to hear and determine specified matrimonial causes. It is gratifying to note that under Section 283 of the Matrimonial Causes Act 1970, a Nigerian woman need not institute her proceedings in the domicile of her husband. Indeed, she may institute such proceedings in any High Court in the country whether or not her husband lives within the jurisdiction of that Court or indeed, whether she herself lives within the Court's jurisdiction. This is a laudable departure from the former law and practice regulating a woman's domicile.

During the consideration of the Initial Report a question was asked suggesting that the laws on citizenship are discriminatory of women. This is not so. The law does not in any way compel an alien woman married to a Nigerian to change her nationality. Infact, the existing prvisions of Sections 24 and 25 of the Constitution were based on a Memorandum submitted to the Constituent Assembly by "Niger Wives", an association of alien woman married to Nigerian men.

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35. **ARTICLE 10 - EQUAL RIGHTS IN EDUCATION**

This Article invites States Parties to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education. In particular, Article 1 (c) advocates on behalf of boys and girls:-

(i) the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas;

(ii) access to the same curricula, the same examinations and school premises and equipment of the same quality;

(iii) the same opportunities to benefit from scholarships and other study grants; and

(iv) the same opportunities for access to programme for continuing education, including adult and functional literacy programme, aimed at reducing, at the earliest possible time any gap in educa tion existing between men and women.

35.1 In this report, the word women is used as a generic to connote women and girls. Education were then very few and the number of girls attending schools was small. As educational facilitie.. increased an increasing number of girls were sent to school. But the choice of education has usually been influenced by traditional attitudes towards education of female children.

35.2 In the 31 years of Nigeria's existence as an independent nation, her education has witnessed tremendous changes. Education was accorded consitutional recognition in the 1979 Constitution. Section 18 in the Directive Principles of State Policy provides as follows:-

Educational - 18. (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities in all levels.

(2) Government Shall promote Science and Technology

(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide:-

(a)free compulsory and universal primary education;
(b) free secondary education;
(c) free university education
(d) free adult literacy programme."

Earlier on, the country changed its previous educational model which earlier laid emphasis on liberal education. Under the new system, primary education lasts six years, junior secondary education lasts 3 years, senior secondary 3 years and tertiary education lasts 4 years. After secondary education, a student may choose to further his/her education by attending a university or polytechnic for a four, five or six year course, leading to the award of relevant degrees or Higher National Diplomas.

36 GIRLS AND WOMEN EDUCATION IN NIGERIA

Notwithstanding the fact that the educational programme had witnessed rapid expansion, women still found themselves left behind particulary at the higher level and in science and technology. In Nigeria, females comprise 49.68 per cent of the total population and according to the Situation and Policy Analysis (SAPA) report of 1993, the female literacy rate in 1990 was estimated at 39.5 per cent. This is relatively low when compared with the 62.3 per cent for males. Factors for this include early marriage as well as the socio-economic status of parents and gender stereotyping.

Available data on education in Nigeria reveal the following trend:-

(a) Fewer girls go to school than boys.

(b) Female students tend to thrift into or are guided towards areas of study regarded as "feminine"; and

(c) Female enrolment thins out as one moves up the education ladder.

STATISTICS ON EDUCATION

PRIMARY SCHOOL	PERCENTAGES	
	MALE	FEMALE
Primary Schools	55.93	44.07
Primary School teachers	53.61	46.39

Source: Federal Ministry of Education 1994

GROSS PRIMARY ENROLMENT

YEAR	TOTAL	MALE	FEMALE
1990	67.7	76.4	59.1
1991	77.1	84.6	69.1
1992	81.1	90.3	71.9
1993	84.1	93.6	74.7
1994	86.5	89.4	83.2

Souce: Federal Ministry of Education

NET PRIMARY ENROLMENT

YEAR	TOTAL	MALE	FEMALE
1993	63.0	65.0	63.0

ENROLMENT INTO SCHOOLS (NET)

LEVEL	MALE	FEMALE
Pre-primary	83.0	78.0
Primary	65.0	63.0
Secondary	70.0	67.0
University	73 0	27.0

Source: Federal Office of Statistics Nigeria, 1993

POST-PRIMARY SCHOOL TEACHERS

YEAR	MALE	FEMALE
1984/85	71.5	28.4
1996	69.6	30.4
1987	70.7	29.3
1988	67.8	32.0
1989	68.0	32.0
1990	67.4	32.6
1991	68.2	31.8
1992	66.5	32.5
1993	65.0	35.0
1994	64.0	36.0

Source:Federal Ministry of Education

GRADUATE OUTPUT FROM NIGERIA UNIVERSITIES BY GENDER 1980/81 - 1989/90

YEAR	M & F	F	%F
1980/1981	13880	2556	18.2
1981/1982	15715	3278	20.9
1982/1983	21447	4390	20.5
1983/1984	25822	5595	21.7
1984/1985	27550	6109	22.2
1985/1986	30785	7488	24.6
1986/1987	30935	6757	21.8
1987/1988	37286	10110	27.1

Source: Statistics of Education in Nigeria: 1992 edition

DISTRIBUTION OF TEACHING STAFF BY TERRITORY INSTITUTION BY GENDER - 1980/81 - 1988/89

YEAR	UNIVERSITY		POLYTECHNICS AND COLLEGES OF TECH.		COLLEGES OF EDUCATION	
	TOTAL	FEMALE	TOTAL	FEMALE	TOTAL	FEMALE
1980	666	584	NA	NA	NA	NA
1981/1982	8470	716	NA	NA	NA	NA
1982/1983	8773	964	NA	NA	NA	NA
1983/1984	9785	1163	NA	NA	NA	NA
1984/1985	10,038	1142	2075	235	2628	463
1985/1986	11,016	1359	3626	439	2746	449
1986/1987	11,122	1284	2790	413	2972	478
1987/1988	11,521	1481	NA	NA	3233	338
1988/1989	9,914	1323	NA	NA	NA	NA

GRADUATE OUTPUT FROM NIGERIA UNIVERSITIES BY GENDER 1980/81 - 1989/90

YEAR	M&F	F	%F
1980/81	13880	2526	18.2
1981/82	15715	3278	20.9
1982/83	21447	4390	20.5
1983/84	25822	5595	21.7
2984/85	27550	6109	22.2
1985/86	30785	7488	24.6
1986/87	30935	6757	21.8
1987/88	37286	10110	27.1

Source: Statistics of Education in Nigeria: 1992 Edition

35.1 FACTORS RESPONSIBLE FOR WOMEN'S LOW PARTICIPATION IN THE EDUCATION PROCESS

The most easilly identified factors for women's low participation in education include:-

(i) Socio-economic factors. Female children are regarded as "strangers" in the family signifying that they will soon marry out.

(ii) System of locating schools far away from home so that girls cannot easily be released from domestic chores to travel long distances for education.

(iii) Economic factors such as the cost of education; boys are given the chance.

(iv) Opportunity cost of formal education to parents in terms of earning that would otherwise accrue to parents if the girl stayed home to farm or hawk.

(v) Discriminatory labour market policies which preserve and confine girls and women to stereotyped professions.

(vi) The imperatives which compel girls to spend more time on domestic chores than on their studies.

(vii) The non-relevance of school curriculum to traditional every day living of girls and women.

37. POLICY OBJECTIVES OF WOMEN EDUCATION

The factors mentioned above together resulted in lower female enrolment rates and women's lower educational attainment. Out of concern for the disadvantaged position of women in education and in a bid to correct the educational imbalance, the Federal Ministry of Education formulated the National Women Education Policy in 1986 and a Women Education Branch was also established in the Formal Education Department of the Ministry.

37.1 For the first time in Nigeria, the issue of women education was seriously addressed and concrete steps were taken to implement the policy objectives of the programme, that aimed at equiping women for a meaningful role in society. The National Policy on Education states: "With regard to women's education, special efforts will be made by Ministries of Education and Local Government Authorities, in conjunction with Ministries of Community development and Social Welfare and of Information, to encourage parents to send their daughters to school".

The Blue Print on Women Education in the Nation was adopted by the National Council on Education in 1987. From it, action plans of shorter periods contaminous with the National Development Plans which set forth achievable targets were made. In a nutshell, the objectives of the Women Education Programme were:-

(i) to provide more educational opportunities for girls from the primary to the tertiary levels

(ii) creating awareness in all citizens of the fact that equal educational opportunities exist irrespective of gender, age, locality,creed or status; and that such opportunities should be made avaliable to all;

(iii) Re-orientating the attitude of all females towards education, irrespective of their age;

(iv) Provision of functional education for girls and women;

(v) awakening the consciousness of all women;

(vi) educating parents and the general public so as to bring about a change in attitude towards the new women's education programme;

(vii) promoting the education of girls and women in the fields of science, technology and mathematics.

The Women Education Policy Blueprint is in very wide circulation all over the country and forms the bedrock for women education in the country.

38. AWARENESS CAMPAIGN

Since one of the major factors inhibiting women's access to education was the

erroneous belief that education was irrelevant to women's prime duty of marriage and child bearing and child-rearing, there was great need for massive awareness campaign to change the ingrained views held by women, parents and general public and bring about a positive attitude. All the states of the Federation, including Abuja launched the campaign at State levels. Awareness campaigns were also launched at the Local Government Level to educate women at the grassroots.

39. LEGAL AND OTHER MEASURES ADOPTED SINCE THE INITIAL REPORT TO IMPLEMENT THE CONVENTION

Several measures have been made to increase the participation of women in education. The measures include free education, establishment of special schools for girls, lower cut-off marks for admission into school, legislation to discourage and punish withrawal of girls from schools.

With the impletation of the University Primary Education in 1976, education became free and universal. Women and girls were always sacrificed when economic factors forced parents to choose between educating sons or daughters.

To redress the educational imbalance, special school were established for girls only. In this regard, the Federal Government set up two special unity secondary schools in each state to further help girls benefit from more educational enrolment, some state Governments have passed legislation against the withdrawal of girls from school for marriage; penalties are imposed for contravention.

NIGERIA ASSOCIATION OF WOMEN IN SCIENCE, TECHNOLOGY AND MATHEMATICS (NAWSTEM)

In 1989, the Nigerian Assiciation for Women in Science, Technology and Mathematics (NAWSTEM) was launched and charged with the responsibility of promoting Science, Technology and Mathematics education among women and girls in Nigeria.

Also a scholarship scheme for girls and women who excelled in Mathematics and Science was introduced by the Federal Ministry of Education in 1989.

40. INTERNATIONAL CO-OPERATION

As stated in the World Conference on Education For All (1990), "education is too diverse, complex, and demanding to expect Governments alone to be able to meet the vast array of learners needs".

Nigeria, therefore, entered into agreement with multilateral agencies to provide assistance for female education. UNESCO and UNICEF have provided core support.

UNESCO

UNESCO has a pilot project in the education of women in six States of the Country. The target population is 30,000 rural women.

UNICEF

Under the 1991 - 1995 Federal Government of Nigeria/UNICEF programme of Co-operation in Basic Education, the objectives were to:-

(i) establish and equip Women Education Centres in 10 states of the Federation (Adamawa, Bauchi, Benue, Cross River, Niger, Ondo, Kaduna and Taraba);

(ii) train 150,000 women and girls in basic literacy, numeracy and life skills.

UNCESCO/UNICEF JOINT INITIATIVES

The Nine most Populous Countries Initiatives in Literacy which came on stream in late 1992, uses the literacy rate of girls and women as a key indicator. Nigeria is one of the nine countries participating in the initiative.

A Girl Child Programme was also initiated in early 1993. As a result, about ten girl child pilot primary school have been estabilhed in the Northern part of the country.

41. **ACCESS TO PROGRAMME OF CONTINUINIG EDUCATION**

Here, same opportunities exist for access to programmes especially with the setting up of the National Commission for Adult Education and Mass Literacy which focuses on adult and functional literacy for both male and female.

Also to further encourage the female gender, thereby reducing the gender gap, the Federal Government throug! its Education Ministry established Women Education Centres in all States of the Federation.

42. **NON-FORMAL EDUCATION**

RURAL WOMEN

(a) To ensure that education was made avaliable to all women, the country has been zoned into eight to afford women involved in women education programmes to go round the country and identify the specific needs in the urban and the rural centres. In 1988, the 1st train-the-trainer programme was organised for 200 women who upon return home organised similar training programmes for women at the rural level.

The programme has enlightened women on how to orgnise themselves into cooperatives and thrift socities. Functional education skills like sewing,pottery, cookery, weaving, etc. were imparted to the participants.

(b) **NOMADIC EDUCATION**

In the non-formal education category, the Federal Government has set up a National Nomadic Education Commission, with responsibility to take education to migrant cattle rearers and fishermen and women in the river- ine areas. Also established is a National Commissaion for Adult Education and Mass literacy to oveersee the mass literacy programmes of the Government.

43. **WOMEN EDUCATION CENTRE FUNCTIONAL LITERTACY PROG RAMME**

In 1988, 22 Women Education Model Centres were set up in Federation where at least 4,000 women per annum were trained in basic functional literacy. In 1989, additional 88 Model Centres were set up to further bring functional education and literacy progamme nearer the grassroot. Now we have about 270 Women Centres established by the Federal Ministry of Education throughout the Federation.

The course offered at each centre varies but is relevant to the needs of the State and Community it serve.

44. **EVALUATION OF PROGRESS**

At the end of every yea an evaluation meeting is held by all women education coordinators at Federal and State Levels to assess the year's achievement, identify obstacles in the way of the progamme and map out the programme for the succeeding year.

One visible success of the programme is the enactment by some States of legislation banning withdrawal of girls from school for marriage (to date 6 states have done so). Erring parents are prosecuted and penalized. The enact- ments have given affected girls the courage to report their erring parents to authorities.

45. **ARTICLE 11 - EMPLOYMENT AND LABOUR**

45.1 Article 11 requires that States Parties shall take all appropriate measures to eliminate discrimination against Women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular -

(i) the same inalienable right to employment including the same criteria for selection for employment.

(ii) free choice of profession, employment, training, apprenticeship and advanced and vocational training;

(iii) equal remuneration and benefits, includung equal treatment as to work of equal value, equality in the evaluation of the quality of

work.

(iv) right to social security, particularly in cases of retirement, unemployment, sickness, invalidity, old age and other incapacity to work,and the right to paid leave.

(v) occupational and health safety protection.

(vi) prohibition and imposition of sanction in cases of dismissal on account of pregnancy or mortal status;

(vii) introduction of maternity leave with pay;

(viii) provision of social services encouraged, including child care.

(ix) special protection against harmful work during pregnancy.

The article requires states parties to enact protective legislation relating to matters covered in this Article and to review such legislation periodically in the light of scientific and technological knowledge and to have such legislation revised, repealed or extended as necessary.

46. GOVERNMENT EMPLOYMENT POLICIES

46.1 The labour legislation of Nigeria are non-discriminatory. Some of those legislations even have provisions to protect and safeguard the interests of women in employment. Sections 54 to 58 of Labour Act(cap 198, Laws of the federation) provide for the security of women's employment during confinment.

46.2 Certain sections of the labour legislation seek to protect women from hazards. Interpreted in practice, such sections are always applied to their disadvantages. In this wise, section 54 of the Labour Act prohibits the employment of women in night work in a mine, in any public or private undertaking or in agriculture. The result is that any job which involves night shift (other than work as a nurse or a para-medical in hospitals) or working underground is denied to a women with the result that in the industrial and manufacturing sector, promotion opportunities in particular areas of work for women are limited.

46.3 Consistent with section 17 of the consitution, the public sector provides the impetus for equal employment opportunities for women. In the Nigerian public sector, appointment procedure and the general condition of service are the same men and women; and apply equqlly in all public enterprises do not take independent action in favour of or prejudicial to their women employees. Any action relating to the conditions of service of public enterprises employees must be within the broad guidlines provided by the Federal Government.

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47. **PERSONAL POLICIES**

In the area of personal policies (covering recriutment, employment, promotion, etc.) public enterprises are governed by the Federal Government Civil Service Rules, as revised from time to time. The existing rules make specific provisions covering women employees, some of which rules can be interprted as "discrimination in reverse". Many of such rules relate to pregnancy and can be summarised as follows:-

Pregnant women employees are entitled to 3 ,onths (six weeks before and six weeks after confinment) maternity leave with pay.

A woman employee nursing a child is entilted to one hour off duty everyday for six months with full pay from the date of birth of the child.

Disciplinary action cannot be taken against a woman employee during pregnancy or during her maternity leave. The public enterprises cannot do anything about the benefits othe than grant them. The women employees enjoy 15-20 weeks work-free period with full pay in recognition by the society of women's special role as mothers.

These benefits notwithstanding, female employees in the public sector can still identify areas where existing rules or their application ands interpretation discriminate against them.

47.2 It has been estimated that 60 percent of the labour force is employed in the public sector while 40 percent work in the private sector. It is worthy to note that there is overt discrimination against women in the private sector which tends to prefer child-free women, or much younger unmarried women.

48. **WOMEN'S PARTICIPATION IN THE LABOUR FORCE**

48.1 Nigeria has an extremely high propotion of economically-active women. In 1970, Nigerians women's participation rate is 32.37 percent only.
Latest figures show that it has increased to 44% as at 1993. House work and farm work not counted!

48.2 Between the ages of 20 and 65, Nigerian women's participation rate in economic activities as a percentage of total population of the age grade is extremely high. Wome n's activites in the agricultural sector definitely accounts for the very high participation rates. Over 67 percent of the Nigerian population is predominantly rural and majority of them are farmers.

48.3 The Nigerian labour force is relatively young, as half of it are in the 20-35 age-group and about 80 percent is less than 45 years. The labour force dropped significantly after the age of 54 years, reflecting the then prevailing compulsory retirement age of 55. The retirement age has since been raised to 60 years in the public sector, except for High Court Judges who retire at 65 years.

48.4 The cultural diversity of Nigeria referred to earlier has had considerable impact on women's direct participation in economic activities. Women in Nigeria have traditionally contributed to meeting some of the basic needs of their families. They engage in basic crafts, trading and paid employment, and have always been economically active in the agricultural sector.

49. SOCIAL SECURITY

The principle of equality of all citizens of Nigeria was enshrined in the country's constitution in 1979. There is ample statute-based (de jure) potential for women's employment right in Nigeria (vide the Labour Act, the National Social Security Trust Fund, etc).

49.1 In addition to the general gurantees of the right to freedom from discrimination, the 1979 Constitution provides, inter alia, as follows:-

"Social Objectives - (1) The States shall direct its policy towards ensuring that -

(a) all citizens, without discrimination on any ground whatsoever have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment.

(b) conditions of work are just and humane;

(c) there is equal pay for equal work without discrimination on account of sex or on any other ground whatsoever."

49.2 Inspite of section 55 of the Labour Code which forbids women from working at night, the practical experiences are that women, particularly professional women, are choosing to work at night and mutually, between them and their employers more areas, hitherto forbidden for them are opening up. There is till need for an express review of section 55 of the Labour Code and similar legislation .

49.3 Specifically Section 53 provides for maternity protection of women employees. A woman is not permitted to work six weeks before and after delivery and she is to be paid during the period. And she should not be dismissed on account of her maternity-induced absence.

49.4 It was in the claim of the above right, that two cases were based and the Court found in favour of the women, respectively. In one of the cases, Ajiboye V Dresser Nigeria Limited , the Plaintiff, a Confidential Secretary was employed by the Defendant Company. But on resumption, her appiontment was terminated, whereupon she sued the company and court found that she was infact dismissed on account of her pregnancy and confinement. The dismissal was therefore held to be a breach of section 53 and of the Labour Code (which relates to maternity protection).

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Labour force participation rate for women differ markedly from that of men. The figures for 1993 showed women participation rate as 44% while that for men was 78%.

For those in the Labour Force, the unemployment rates (i.e. unemployed as a percentage of total Labour Force) was 2.3% for men and 3.1% for women.

49.6 Section 17 (3) (e) of the 1979 Nigerian Constitution enjoins the state to direct its policies towards ensuring that:-

> "there is equal pay for work without discrimination on account of sex or any other ground whatsoever".

In pursuance of its social security and pension benefits obligations under this article there are the following relevant legislation:-

(1) The National Provident Fund Act (now rechristened as the Nigerian Social Trust Fund) (cap 273 Laws of the Federation 1990) which describe itself as -

> "an act to establish a National Provident Fund and provide for contributions thereto and for payment thereout of sundry benefits and for matters connected therewith".

This Act provides for payment of the following classes of benefits (made up of joint contribution by the worker and employer) as follows:-

(a) main benefits in respect of age (55) years, survivorship and invalidity.
(b) subsidiary benefit in respect of sickness
(c) withdrawal of benefit in respect of emigration and withdrawal from the fund.

The National Provident Fund Scheme applies exclusively to workers in the private sector of the economy.

Any employer who employs 5 persons or more is liable to contribute 5% of the basic earnings while the employees contribute 2.5%. Contributors qualify if they have contributed for about 120 months.
And the following is the interpretation of a worker entitled to benefit from the fund under Section 2:-

> "worker means any person who, not being a child is employed in Nigeria under any contract of service or apprenticeship with an employer, whether by way of mannual labour, clerical work or otherwise, howsoever paid..."

Benefits under the Scheme are payable one yearafter cessation of work.

(2) **Workmen's Compensation Act 1987**

This Act makes provision for the compensation of workers who die on or are injured at work. This specifically defined workman to include "Women" and relates to all workmen who earn more than N1,600, without ceiling.Employers are obliged to take out an insurance in favour of their workers against injury and death. And Employers must make returns to the appropriate Minister concerning their obligations under the Act. Also, workers who contact diseases attributable to their jobs are to be compensated and given medical treatment.

50 **PENSIONS SCHEMES**

The Pensions Act (cap 346, Law of the Federation) was enacted -

"To consolidate all enactments dealing with pensions and disability benefits, gratuities for civilian employees in civil service of the federation."

Every Officer of the Federal Civil Service who retires compulsorily on attaining the age of 60 years is entitled to gratuity of 2 years pay but not exceeding 300% of his salary and pension as set out in the Act. A person who dies in office shall receive a pro-rata pension for five years between 30% - 65% of last pay.

51 **TAXATION**

Closely related to employment is the issue of taxation. Certainly, the tax legislation and tax administration policies are heavily weighed against women. In the past a married woman was hardly ever given any free pay allowance. This is usually justified on the ground that men traditonally bear the responsibility of looking after the family financially. This is not always true as women's financial commitment have continued to increase. Women have responsibility not only to their nuclear family but also to their maiden families, not to mention the need to take care of themselves.

Since the presentation of the Initial Report in 1987, many changes have taken place in the taxing regime of women.

Women who actually bear responsibility for their children may now claim tax relief in that regard. Also, women who produce evidence of looking after their parents or relatives from the maiden family, may also claim benefit thereof.

Increasingly, women are deriving benefits for their labour as such, and thereby closing the gap between the pay of men and women, both doing precisely the same work. There is intention on the part of the Ministry of Labour to push through a law on equality concerning taxation matters.

52. INFORMAL AND YOUTH EMPLOYMENT

There has been growing unemployment since 1988, with the introduction of the structural adjustment measures. Industries were operating below installed capacity with the attendant retrenchment of staff, most of whom were women casual workers. To combat the situation the Federal Government set up the National Directorate of Employment to cater for unemployed school leavers. That scheme for the first time, targeted the Informal Sector by the institution of the following schemes:-

(i) Youth Open Apprenticeship scheme
(National Open Apprenticeship Scheme)

The scheme taught youths both male and female chosen schemes, and thereafter they were given a soft loan between N12,000 to N25,000 to set up business or trade. Since its inception about 210,750 youths have been trained in 80 trades; and about 20,000 have established businesses of their own.

(ii) Resettlement Scheme and Small Scale Enterprises Scheme

This is a follow-up on the Open Apprenticeship Scheme, whereby graduates, who are mainly women are assisted to set up business and resettle.

(iii) Waste - to Wealth Scheme

The waste to wealth scheme which aimed at providing unemployed youths irrespective of gender with skills that could convert discarded objects like sea shells, snail, corals and other waste materials into valuable objects like decorative items,toys, furniture etc. The Scheme encouraged creativity and within the period under review about 5,000 youths had benefited from the "Waste - to Wealth scheme.

(iv) Mature People Scheme (MAPS)

This aims at keeping retired or retrenched mature people economically active by helping them set up their own business. The beneficiaries are expected to hire at least two university graduates amongst other staff.

(v) The Rural Export Craft Scheme

This Scheme was introduced to support Nigerians mainly women, interested in producing local crafts for export trade. This was essencially in the texile trade.

(vi) NDE Agricultural Programme

The NDE Agricultural Programme during the period was involved in revamping defunct agricultural projects, increasing food production and providing employment in the Agricultural Sector. 3100, Cooperative Societies were set nationwide up and women constituted 66.08% of the entire membership of the Cooperatives Societies.

In its obligations to fund the schemes above, the National Directorate of Employment cooperated with Non-Governmental Organisations.

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53. SEXUAL HARASSMENT

Sexual Harassment is prevalent at work. Women and Men are being educated as to the dangers of sexual harrasment. They are being taught that the term is extensive and all-embracing.

Many employers are setting up machinery for reporting and dealing with sexual harrasment, including stringent punishement

No statistical data are avaliable as many victims are slow at reporting such demands for divers reasons, including fear of loosing their jobs.
Sustained enlightenment still remains the antidote for sexual harassment in the work place.

54. OBSTACLES AGAINST FEMALE EMPLOYMENT

The factors militating against the employment of women include customary attitudes and beliefs, the attitude of employers and issue of sexual harassment of women at work. Women who resist these advances are victimised. There is still some subtle psychological resistance to female bosses. Women of child-bearing age are discriminated against due to absenteeism. Again, there is the issue of education. In the past, the male child was educated in preference to the female child because the male child would remain and perpetuate the family name while the girl was given out in marriage. Happily, these traditional and attitudinal barriers are gradually being broken down, giving way to a situation where all children male and female alike, are given equal educational opportunities subject to family resources. Girls and women now graduate in all areas which hitherto were the exclusive preserve of men. Our women even participate in trade union leadership. There is a women's chapter in the Nigeria Labour Congress. An influential member of the Nigerian Employer's Consultative Association urged, in a recent paper, that to achieve women's full integration into the Labour force, Nigerian women should do two things:

(a) decide early enough either to be a life-long career woman, that is to say, not marry at all, or have children early enough and return to work when the children are old enough; and

(b) oppose all protective labour laws which could easily turn discriminatory, and also in this wise, reject all special treatment for the female workers.

There is merit in the suggestion, except to re-echo Mrs Leticia Shahani's views in her opening speech to the World Conference of Women in Nairobi that society should recognise that maternity is a distinct and essential social function which can only be performed by women and therefore deserves full recognition and requires specific support. Only by heeding Mrs. Shahani's advice shall we realise the lofty ideals of section 17(3)(e) of the 1979 Nigeria Constitution which enjoins the state to direct its policies towards ensuring that -

"there is equal pay for equal work without discrimination on account of sex or any other ground whatsoever."

55. ARTICLE 12 - HEALTH CARE AND FAMILY PLANNING

Article 12 requires States Parties to take all appropriate measures to eliminate discrimination against women in the field of health care in order to assure.... access to health care services, including family planning.

2. States Parties are to ensure to all women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary as well as adquate nutrition during pregnancy and lactation.

WOMEN AND HEALTH CARE

55.1 Section 17(3)(c) and (d) of the Constitution of the Federal Republic of Nigeria 1979 (which provisions relates to social objectives) provids as follows:-
"The State shall direct its Policy towards ensuring that-

(c) the health, safety and welfare of all persons in employment are safe guarded and not endangered or abuse;

(d) there are adequate medical and health facilities for persons

In addition to that constitutional injuction, Nigeria subscribes to and holds dear the philosophy of the World Health Organisation's commitment to Health for all by the year 2000 since that philosophy also holds -

"People have the right and duty to participate individually or collectively in the planning and implementation of their health care including mass involvement of women, men and youth."

55.2 In compliance with the provisions of the Constitution and the Convention, the Federal Ministry of Health in conjuction with other bodies have assidously pursued Programme at the advancement of the status of women in our society. In view of the Fundamentality of the status of women, the federal Ministry of Health has particularly engaged itself in the provision of the National Health Care system for women.
The ultimate goal of the National Health care system being the pursuit of a mission aimed at providing a Comprehensive Health care system for preventive, protective, restorative and rehabilitative services as a right of every woman of the country. In the overall planning strategy for the enhancement of women in the Nigerian Society, the health care delivery policy has devoted special attention to health hazards peculiar to women especially those related to child bearing.

55.3 Thus in the last four years, positive efforts have been intensified in the following areas:-

(a) Enviromental Sanitation

(b) Communicable Diesease Control

(c) Maternal Health Services

(d) Immunization, especially the National Programme on Immunization (HPI); and the Oral Dehydration Therapy.

(e) School Health Service

(f) Family Planning and Counselling Programme

(g) Maternal Morbidity and Mortality

(h) The Safe Mother Programme

(i) Training of Doctors in the Management of emergency cases to equip them to work in the Community and the Local Government Areas).

(j) Women Empowerment

(k) Service Delivery including Emergency preparedness.

(a) **Enviromental Sanitation:-** The avaliable data show that there has been a considerable improvement in our enviromental sanitation habits and awareness. This is reflected in the general beauty of the Urban and Rural areas leading to the decrease in cerain diseases that are heavily dependant on poor sanitation. Sanitary Inspectors have been reintroduced in some states e.g Lagos State and Plateau State.

(b) **Communicable Disease:-** These diseases such as Chicken pox, Sexually transimitted diseases and infections hepatitis have decreased considerably in number.

(c) **Maternal Health Services:** There have been positive impact in this regards in the past decade. Evidently objectives under the Health Care delivery system coverlap but most pertinent to women and Health Care delivery as else where, are those associated with child birth (parental diseases). These include birth injuries, Parental infections anaemia of pregnancy, toxemia, of pregnancy, obstructural labour and post Parkumh haemorrhage. All these account for a significant number of morbidity and mortality among women.
Breast feeding has been introduced and mothers have been persuaded to breast feed their children solely on breast milk for the first six months Decree 41 of 1990 has prohibited the importation of formula milk into the country so as to encourage mothers to breast feed their children, so that their babies will be healthy and will develop resistance to infections and immunity to ailment.

(d) **Immunization:-** Efforts have been intensified in this all important area through the instrumentality of the National Programme on Immunization. However, the dearth of personnel constitutes an impediment towards the total accomplishment of the objective.

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(e) Family Planning:- A national family planning programme has been in existence since the mid-sixties, the Maternal and Child Health (MCH) unit of the Department of Primary Health Care (PHC) became fully involved in 1985 with the establishment of the Primary Health Care Programme. In collaboration with other international agencies, the PHC department, is presently implementing the final family planning programme which is geared towards improving coverage, through the provision of transport, commodities, equipment, information and the training of family planning services providers. In 1989 the National Population Policy was established to stem the population growth rate and improve the socio-economic status of Nigerians. The International Agencies have been consistent in training of health personnel, provision of clinic, equipment and contraceptive supplies.

(f) **Maternal Morbidity and Mortality:-** The Health status of women in Ngeria is far from being satisfactory. This is a culmination of the low status of the women, high female illiteracy rate, low purchasing power and inadquate access to both quantitative and qualitative health aand maternal services. It is therefore common knowledge that the commonest causes of maternal deaths are heamorrhage, obstructed labour, sepsis, induced abortion and hypertensive diseases of pregnancy. These problems are more often than not, compounded by socio-cultural and harmful traditional practices such as - female genital mutilation which may result in the development of Vesico-Viginal Fistula. To reduce the fertility rate, Government has over the years embarked on the female education to at least secondary school level. The achievement however depends on the legislative angle, if Government can take the bull by the horns by legislating the age of marriage to be 18 years.

(g) **The Safe Motherhood Programme:-** The Federal Ministry of Health in conjuction with other agencies such as the National Primary Health Care Development Agency, multilateral and bilateral agencies and professional organisations such as Society of Gynaecologist and Obstetricians of Nigeria (SOGON),Paediatric Association of Nigeria (PAN), Nigeria Medical Assciation (NMA), Nigerian Association of Nurses and Midwives (NANW) and non-governmental organisations, have adopted the Safe motherhood programme strategy aimed at encouraging and supporting the participation of all interested individuals, organisations and agencies in any capacity towards reducing maternal mortality and morbidity.

So far, the major maternal health interventions which have been implemented within the frame work of the Safe Motherhood and PHC Programmes have been family planning, tetanus, toxiod and and immunisaton, the training of traditional birth attendants.

(h) **Training of Doctors in the Management of Emergency, Obstetric Cases to Equip them to work in the community and Local Government Areas:-**

Owing to the indispensability of this vital area to our national health scheme the Federal Ministry of Health in collaboration with other agencies have put up well co-ordinated and articulated programmes which aim at improving the quality of care of the mother and neonate through the upgrading of knowledge and

skills of clinical midwives in responding to obstetrical emergencies, and by enhancing their interpersonal skills in the area of " Life Saving Skills" (LSS) training programme for counselling skills for Traditional Birth Attendants developed and immplemented in Oyo and Bauchi States respectively. These were focused on women, their families and communities thereby increasing their awareness of problems that may arise during pregnancy, and their ability to respond so as to protect and promote the health of the mother and new born child. The Federal Ministry of health is currently working on the modus operandi to have this programmes implemented in other States through the State Ministries of Health.

Life Saving Skills training centres were established in Bauchi and Oyo States in 1992 with the assistance of Mother Care under the John Snow's Project. Twenty midwives hav been trained as master trainers in response to obsterical emergencies such as obstructed labour, haemorrahge. The training tremendously assisted in the reduction of Maternal Mortality Rate/Ratio in the two States. Two other Centres that will serve health zones A and C are in the process of being established in Calabar and Kaduna with the assistance of the World Bank.

(i) **Women Empowerment:-** The quality of health attained by women and their respective families is wholly predictated on the level of women's education. In recognition of the absolute need to empower Nigerian women for effective participation in health programmes, the Federal Mininstry of Health in conjunction with the World Health Organisation (WHO) in 1990 embarked on a project to promote intersectional action for health education for women as a means of improving their health status. It further aims at empowering women through development activities and income generation. A cluster of villages in Bida LGA of Niger State, has been used as pilot project sites and they were then 80% illiterates. However, after the introduction of functional literacy and health scheme in those communities, the assessment report revealed a significant impact of the programme as follows:-

(a) The improvment of the health status of the community;

(b) The Communities are more economically bouyant.

(c) The remarkable development of post literacy reading material.

A plan is underway to replicate the programme on other states.

(j) **Service Delivery Including Emergency Preparedness:-** The low quality of maternal health services account for much of the high maternal morbidity and mortality found in most parts of Nigeria. However, since the implementation of the National Health Policy, there has been a tremedous change in the health of the Nigerian child consequent to which infant mortality as well as under five mortal-

ity is probably on the decline both in the rural and urban centres. The sustainability of this programme, however, poses a big challenge to policy makers and health providers. The Expanded Programme on Immunization is a good example.

55.4 The quality of services provided to women are partly the causes of high maternal morbidity and mortality. In most of the health facilities, there are no transportation facilities for referral purposes as vehicles are either not functioning or there is no driver attached to them. These problems constitute a risk to the mother.

Consèquently, the proposed National Maternal and child Health Programme will emphasize more on maternal care because that is the area deserving urgent attention.

The basic thrust of the programme will be at the household level, the Community and the LGA level and the Secondary level of care which accepts cases reffered from the levels.

55.5 The ultimate goal of the National MCH programme is to reduce maternal and child mortality and morbidity by 50% by the year 2000.

Specific Objectives:-

(i) To involve Communities and non-governmental organisations in the provision of maternal care.

(ii) To improve the skills and knowledge of providers of maternal and child care at all levels.

(iii) To improve the status of health facilities providing maternal care through supervision, maintenance of equipment and material and refurbishing of service delivery points.

(iv) To identify bio-medical engineering centres for repair and refurbishment of equipment used in the provision of care.

(v) To strenghten adolescent reproductive health service.

(vi) To strenghten inter-sectoral collaboration.

55.6 **HIV/AIDS AND STD (SEXUALLY TRANSMITTED DIESEASE)**

The first case of Aids was reported in 1985. The National AIDS and STD control programme was developed by federal Ministry of health. Under this programme the first seroprevalence survey was conducted in 1990 in four States of the Federation. The HIV positivity rate was found to be 0.4%. In 1990.91 selected sentinel groups includeed commercial sex workers, women attending antenatal clinics and tuberculosis patients.

The seroprevalence rates were 17.5%, 1.2%, 4.5% and 2.8% respectively. The most recent seroprevalence survey (1993/94) revealed a general increase in sero-positivit,· rates for commmercial sex workers, Antenatal care attendants, STD clinic attendants and Tuberclosuis Patients as 22.5%, 3.8%, 8.9% and 7.9% respctively. This is evidence that the AIDS might soon pose a threat not only to the health of women and children but also to the social ar·d econonic lives of every one. The control of the spread of STD, AIDS is therefore another intervention that must be integrated into mother child programme at all levels.

55.7 However, certain bureaucratic directives and decisions, coupled with ingrained attitudes, prejudices, behaviour patterns and traditions, had worked to create obstacles in the way of full participation of women in all spheres of National life. For instance, Government efforts towards eliminating women circumcision (a practice adjudged to be medically detrimental to women) have been, emasculated by cultural prejudices practices. Inspite of measures adopted by the Government and its agency, the practice is still prevalent in some areas unabated. The women organisations in collaboration with the Government have assidously pursued Public Enlighthenment Campaign aimed at eradicating such practices as non-eradication makes the change envisaged by the Government impracticable. From the above it can be seen that a lot has been done to eliminate discrimination against women on health grounds.

57.56 ARTICLE 13 - **CREDIT FACILITIES AND ECONOMIC SOCIAL BENEFIT**

States are enjoined to take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in the following area:-

(a) right to family benefits;

(b) right to bank loans, mortgages and other forms of financial credit;

(c) the right to participate in recreational activities, sports and all the aspect of cultural life.

(a) **RIGHT TO FAMILY BENEFITS**

There is not in operation in Nigeria any organised or regular Government Scheme of family or social benefits other than those that are tied to employment,eg.-

(i) Pensions and gratuities;

(ii) Provident Funds;

(iii) Workmen's Compensation Scheme.

Accordingly, women cannot be singled out for any special or discriminatory treatment in the provision of family benefits.

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However, section 17 of the 1979 constitution laid a foundation for the elimination of discrimination if and whenever such a scheme is produced.

Section 17(3)(g) of the 1979 constitution ensures that regard-less of sex, if a situation arises which calls for help to be rendered to any class of citizens, it will be done. Such could be the case where there has been natural disasters, droughts, famine, flood, armed conflict, refuges situation, etc. And examples abound where recourse has been had to that provision to help needy persons.

The Family Support Programme's strategy is to effectively utilise the institution of the family to address some current global and local needs. It is in this light that the Family Support Programme's activities have made direct impact to improve the quality of lives of Nigerian families in the area of income Generation activities.

Income generation of the Family Support Programme takes care of the following needs:-

- Provision of basic needs such as food, clothing, and shelter;
- Health care
- Education.
- Utility services
- Capital accumulation for increased economic activities
- Income generation aimed at improving the quality of life

It follows therefore that the nature of basic and other needs which a family can provide for itself would depend on its ability to generate sufficient income to meet those needs. Income generation therefore will consolidate and enhance the socio-economic status of the average Nigeria family.

(b) **ACCESS TO CREDIT**

There is no deliberate Government policy specifically in favour of women in the grant of credit. This is perhaps because commercial and Merchant Banks are private sector organisations who are simply profit-oriented. They usually deal with their customers on individual merit and credit-worthiness. If a customer has a good credit standing, the fact that she is a woman does not work against her.

It is recognised that women who are credit-worthy in their own rights are very few. Some smaller finance houses do sometimes require that the consent of a woman's husband be obtained before she is granted a loan. This is not always an easy feat to accomplish. Another factor militating against women is inability to provide adequate colloateral for loans. In this regard, it is worthy to mention the recently-introduced Federal Governmemt Agricultural Loan Scheme under which farmers are granted laons up to N5,000 without collateral. While applauding the good intentions of the

scheme, it should be pointed out that the small farmers for whom this scheme is intended are rural dwellers. There, the greatest number of beneficiaries are bound to be men.

Available statistics show that women's credit for agriculture is 16.7% of women in agriculture who have access to credit.

The People's Bank, the United Bank for Africa, The Afribank, The National Agricultural and Cooperative Bank and all the Community Banks haf schemes geared to the rural and urban poor to provide them with soft loans. Loans from these banks schemes went mostly to rural women.

There are also the schemes set up by the National Directorate of Employment to assist the small enterprenuers .

(c) **PARTICIPATION IN SPORTS**

Section 17(3) of the 1979 Constitution (which concerns social objectives) provides as follows:-

(3) The State shall direct its policy towards ensuring that-

(a) "There are adequate facilities for leisure and for social, religious and cultural life".

This provision has found the fullest expression in Nigeria. Women are granted the same opportunity for participating in every imaginable kind of sports and to reprsent their schools, Local Governments, States and the Country in those sports in which they excel. There are women Wrestlers in Nigeria. There are female golfers. women participate in hockey. They play handball. Recently, female soccer was introduced into the country's sporting arena. Infact, the female soccer represented Africa in China not long ago.
Nigeria's first Olympic Gold was won by a woman in Atlanta in 1996. Three other women won silver and bronze medals The Nigerian female relay team won a silver medal.

In the cultural arena, Nigerian Women have a great deal of rhythm in them and this has been exploited to the fullest and to the country's pride.

Nigeria has fashioned out a cultural Policy, embracing the total way of life evolved to cope with the challenges of living in their enviroment.

The National Cultural Policy aims <u>inter alia,</u> to -

(i) promote creativity in the field of art, science and technology;

(ii) establish a code of conduct compatible with our tradition of humanism and a disciplined moral society;

(iii) enhance national self sufficiency and reflect our cultural heritage and

national aspirations in the process of industrialisation.

Even though the policy does not overtly claim to eliminate discrimination, its practical application is not to discriminate against women.

Several institutions have been set up to carry out the National Cultural Policy. In particular, the Copyright Council, the Press Council and the film Censorship Board ensure that only socially and morally edifying material is diseminated as part of our cultural content.

It is part of the Cultural Policy that the Nigerian Visual media shall air at least 80% of Local materials on its programmes.

A substantial percentage of Nigerians live in the rural areas and most of them are women, it is obvious that activities by organisation such as these will serve to increase awareness amongst women, of events around them and sensitize them towards involvement in activities which will break the bonds of isolation under utilization.

The National Cultural Policy stipulates that crafts should be adequately identified, preserved, promoted and developed. Other national programmes aim at the enhancement of the status of the artist/craftman and at encouraging the adoptation of traditional design and craft to the needs and requirement of modern times.

Similarly, arts and crafts are a veritable part of our cultural heritage and are great economic value.

57 **ARTICLE14 - WOMEN IN AGRICULTURE - RURAL WOMEN**

State Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sector of the economy and shall take all appropriate measures to ensure the application of this Convention to women in the rural areas.

2. States Parties shall take measures to eliminate discrimination against women in rural areas and that they participate in and benefit from the right:-

(a) to participate in the elaboration and implementation of development planning at all levels;

(b) to have access to adequate health care facilities, including counselling and services in family planning;

(c) to benefit from social security;

(d) to obtain all types of training and education, formal and non-formal, also functional literacy;

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(e) to organise self help groups and co-operative to enhance self employment;

(f) to have access to agricultural credit loans,..... equal treatment in land and agrarian reform;

(g) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity, water supply, transport and commmunication.

58 AGRICULTURE

58.1 Agriculture is a major sector of the Nigerian economy. it supplies food for the population, raw material for the industry and supplements the large export earnings from petroleum. Agriculture produces only 35% of the GDP but employs over ⅔ of the Nigerian labour force. Small holders of which women dominate are the backbone of the sector, and still presently farm largely by traditional methods under rainfall conditons. The country is endowed with a wide range or agro-ecological zones, permitting a diversified mixed farming system with a wide manual and perennial crops, livestock, fisheries and agro-forestry. A recent World Bank study has shown that Nigeria has a strong advantage in producing a variety of crops, livestock and forest products; and that proven technologies exist for increasing production and productivity under rainfall conditons.

58.2 Over the past decades, Nigeria's agricultural sector's performance changed inversely with the rise and fall in oil revenues. During the oil boom of the seventies, agriculture suffered severely because of its inability to retain labour in the face of the appreciation of the Naira, increases in non-farm wages and concentration of public expenditures's share in GDP fell from 45% to 27% between 1970 - 1982, exports of cash crops declined sharply and the country depended on food imports to feed its population. Although the output of staples rose within the same period, it averaged only 1.2% annually which was much less than the population growth of 3-4%.

58.3 The Structural Adjustment Programme introduced in 1986 had a positive impact on agriculture. exports of major agricultural commodities increased in 1988 by 100% over the 1987 levels. Also a number of manufacturing enterprises began to use local agricultural products, With backward integration and investment in the sector . With the implementation of several other policy measures, food output recovered and increased by 5-6% between 1988 - 1990, and has continued. However, to sustain and surpass the increase, several actions need to be taken. One of such is actively addressing the constraints and potentials of the major food producing small holders - farm women.

WOMEN IN AGRICULTURE IN NIGERIA (WIA)

58.4 In Nigeria, rural women play a vital role in the production, preparation, preservation and distribution of food supplies, but until recently, past development plans and efforts did not recognise their contribution in the agricultural sector. Most of the past national development plans did not include any programme for the effective training

and participation of women in agricultural production, storage, marketing and processing of farm produce. It was against this background that units of the Home Economics Division of the Federal Ministry of Agriculture and Rural Development were established one in each agro-ecological zones of the country.

58.5 To redress the situation, the World Bank in 1986 funded two consultancies in Nigeria to determine the extent of the participation of women in agriculture and recommend strategies for concretizing their findings in the form of project activities. The work of the two consultants in addition to the activities of the Home Economics Division of the Federal Development of Agriculture (FDA) culminated in the first ever National Workshop on WIA at which strategies and plans were designed for the implementation of Women in Agriculture (WIA) programme in Nigeria. The emphasis of the activities were to be on actual production of crops, livestock, fisheries and agro-forestry products while lesser emphasis (30%) were to be placed on post harvest activities. This was the beginning of a vigorous period of training and re-training of former Home Economics staff to acquire the necessary knowledge for their expanded mandate. This was also the period when the Home Economics Division of FDA got the National Council of Agriculture (NCA) to approve and direct the establishment of WIA units in all the Agricultural Development Projects ADPs. The World Bank at this time played effective supportive roles in ensuring the full take-off and success of the programme through the recruitment of a female agriculturist at the Resident Mission in Lagos to provide technical support to the ADPs.

58.6 In 1991 the Women in Agriculture (WIA) was established in the Federal Agricultural Coordinating Unit (FACU), under the Department of Agriculture of the Federal Ministry of Agricultural. Its major mandate was to integrate women into agricultural development through alleviating the agriculutural production problems/constraints facing women. The WIA programme identifies and disseminates production, processing and utilisation technologies in all the sub-sectors of agriculture to reduce the drudgery associated with women workload. It also links women to sources of credit and other agricultural inputs such as improved seed and cuttingss, seedlings, agro-chemicals and fertilizers.

58.7 FACU/WIA essentially assisted the States technically to improve the agricultural productivity of women farmers using available resources. A lot of success has been achieved in this regard. For example many women groups organised around various innovative agro-based activities, in production and processing now exist in different parts of the country. New technologies are now being practiced by women both on and off form.

58.8 ACHIEVEMENTS OF WIA

First and foremost, female extension workers were employed, deployed to areas where they were suitable and started disseminating innovative food production technologies. Women farmers were thus able to receive information on such technologies just as their male counterparts.

Women famers started using the improved technologies such as high yeiling

resistant planting materials, fertilizers and little agro-chemicals. This resulted in substantial increases in output, thus women were better able to feed their families and have more surplus to sell.

Working in groups, women were able to acquire farm lands from their communities on which they learnt the innovations before practicing them on their farms.

Many women groups also had processing equipment established so that they obtained more income from their farm produce and rendered services to others with a good margin profit.

Enterprises women were involved in were increased due to the availability of technologies in crops, livestock fisheries forestry and other off farm activities.
Inspite of the achievements of the ADPs/FACU in reaching women farmers, there are still major constraints such as:-

1 **INADEQUATE FINANCIAL RESOURCES**

Women in rural areas usually have very poor resource base which makes it difficult for them to engage in capital intensive enterprises. The FOS National consumer survey results (1993)shows that the average annual income of rural female-headed households was about #1,010.00 as against #1,300 for male headed household The survey also showed that women had little access to credit. 16.7% of the female land holders received credit.

2. **INADEQUATE RESERACH INTO WOMEN'CONCERN**

Research institutes have tended to neglect women's issues and concerns in their research agenda. Women's crops are neglected in research studies such that no new technologies are available for their improved production. Women's peculiar characteristics are not taken into account in the design of appropriate technologies. Consequently, a number of these equipment and tools available are not suitable for the use of women.

3. **LAND TENURE SYSTEM**

As a result of the land tenure system prevalant in the country farmers generally have access to fragmented plots of land for their farming activities. Because of the status of women in traditional society, they have limited access to land little control over the land.The National Consumer Survey also showed that 7 out of every 8 land holders were men (87%). This gives a clear indication of women's access to land but not indicate the level of control they have over the land which is asumed to be theirs. Indications from observations made in various parts of the country show that women may have access to land for annual crops but do not have the control necessary to plant permanent crops and orchards. Those women who have financial resources, in many cases, cannot make infrastructural developments that will assist them in improving their agricultural productivity, because land actually belongs to their male relatives through whom they can access the land.

4 **INACCESSIBILITY TO OTHER PRODUCTIVITY RESOURCES**

Rural women do not have access to many productive resources such as farm inputs (fertilizers, pesticided, improved planting material . etc). The reasons for this include poor financial resource base and the fact that women are neglected in the distribution of farm inputs. T. : situation is such that poor rural women find access to these resources very difficult. Hence the situation of women under these circumstances is such that they revert to using unimproved crop varieties which do not need fertilizers for the very poor yield which they exhibit.

5. **FEW WOMEN IN MANAGEMENT POSITION IN THE AGRICULTURAL SECTOR**

In the whole country, very few women are in senior management positions in the various States Ministries of Agriculture and also in the Federal Ministry of Agriculture and Natural Resources.

At the Federal level, there is no female Director of Agriculture or Head of a specialized Unit. The most senior professional officer is a substantive Assistant Director. At the States level the situation is not that different. There is no programme Manager or Managing Director of the Agricultural Development project that is a woman. There are a few Directors of Extension and Financial Controllers but the numbers are not significant. For erxample, out of 31 ADPs there are 3 financial Controllers that are women. In all the then 30 States there is one female Director of Extension.

The effect of this situation is that policy development and implementation in favour of women is hampered in institutions.

SOLUTIONS:

There should be specific policy on women farmers. The policy should enable women have real control over the land they farm enable them acquire productive resources and promote the acquisition of agricultural profession expertise management positions. Furthermore, women's agricultural programmes should be accorded priority in institutions and resources made available for their effective implementation. Research agencies too should broaden their scope to conduct investigations into those commodities and activities that are of interest to farm women.

59. **ARTICLE 15 - CIVIL CAPACITY - EQUALITY BEFORE THE LAW**

This Article enjoins States Parties to accord to women equality with men before the law in civil matters and legal rights. The Article calls on States to abrogate all private instruments which restrict the right of women. It further calls on States Parties to accord to men and women the same right to chose their residence and domicile.

In 1979, for the first time, the Nigerian Constitution in Section 39 clearly and categorically recognised the equality of men and women prohibited any form of discrimination on grounds of sex, whether such discrimination is found in legislation or is in the execution of any executive or administrative directive.

By Section 1, the Constitution is supreme and any law in conflict with the constitution, shall be void to the extent of the inconstitency. Consequently, if there be any law that abridges the rights of women, such law will be unconstitutional.

However, in the interpretation or enforcement of administrative policies, public officers and other functionaries instal practices and issue directives that are discriminatory to women. A case in point is the practice of the police to deny women the right to stand surety for Suspects. However, the police have now rescinded that practice.

Section 33 of the Constitution guarantees to everyone irrespective of sex the right to fair hearing. Section 33 (1) provides.-

"In the determination of his civil rights and obligations including any question or determimation by or against any government or authority, a person shall be entitled to a fair hearing within a reason of time by a Court or other tribunal established by law constituted in such manner as to secure its independence and impartiality."

Sections 31 guarantees the right to human dignity, section 32 guarantees the right to personal liberty; section 34 guarantees the right to private and family life Section 35 guarantees the right to freedom of thought, conscience and religion; Section 36 guarantees the right to freedom of expression; Section 37 guarantees the right to peaceful assembly and association and section 38 guarantees the right to freedom of movement.

All those rights guaranteed under the fundamental rights are guaranteed to both men and women alike.

Similarly, Section 17 of Constitution enjoins the State to found its social order on ideals of freedom, equality and justice. And in that wise to gurantee to every citizen equality of rights, obligations and opportunities before the law; and to recognise the sanctity of the human person and maintain human dignity.

The foregoing makes it clear that Nigerian Law makes provision for equality before the law, irrespective of sex. Men and women also are subject to the same liabilities before the law.

Now, with the signing and ratification by Nigeria in June 1985 of Convention of Elimination of All Forms of Discrimination Against Women, Nigeria has come even more determined to put into force the principles of equality of rights and obligations enshrined in the Fundamental Rights provisions of the Constitution.

60. **ARTICLE 16 - MARRIAGE AND MATRIMONIAL CAUSES**

Article 16 enjoins States Parties to take all appropriate measures to eliminate discrimination agaist Women in all matters relating to marriage and family relations and in particular, to ensure on a basis of equality of men and women:-

/...

(a) the same right to enter into marriage;

(b) the same right to freely choose a spouse and to enter into marriage only with their free and full consent;

(c) the same rights and responsibilities during marriage and at its dissolu t i
o
n;

(d) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children the - interests of chil dren being paramount;

(e) the same rights to decide freely and responsibly to the number and spacing of their children and the access to information education, and means to exercise those rights;

(f) the same rights and responsibilities with respect to guardianship, ward ship,trusteeship and adoptation of children, or similar institutions where these concepts exist in national legislation, the interest of children being always paramount;

(g) the same personal right as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) the same rights for both spouses in respect of the ownership, aquisition, management, administration and disposition of property.

(i) the bethrothal and marriage of a child shall have no legal effect and all necessary action shall be taken to specify a minimum age for marriage; and to make registration of marriages in an official registry compulsory.

61 MARRIAGE - FAMILY LAW RIGHTS

In Nigeria, there is a multiplicity of marriage patterns depending on ethnic or religious grouping. The marriage types recognised in Nigeria are:-

(i) the monogamous, that is, marriage conducted in accordance with the Marriage Act;

(ii) marriage under the customary law and

(iii) marriage under the Islamic law.

Accordingly, Nigeria falls into that class of countries in which customary, religious and

civil law marriages operate side by side. This plurality arises because of Nigeria's colonial association with Britain, and the Marriage Act is patterned after the English Marriage act. The form of marriage to be conducted in respect of any person is a question of personal choice. However, one notices great mobility on the part of men in the sphere of marriage in spite of the existing law of bigamy, (an offence committed by superimsposi ng the customary form of marriage upon a statutory form of marriage or vice versa with a diffferent "bride").

Pure polygamy, that is marriage of two or more wives under Customary or Islamic Law is legal and recognised. What is not recognised or permitted by law is the admixture of the three forms with two or more different women.

(a) The same right to enter into marriage

With education, development and urban migration, many more women are exercising their right to freely choose their spouse. However, if they are under 18, then there is free parental consent, whether the marriage is statutory or under customary or Islamic Law.

Customary law and practice have their strongest hold in the area of customary marriage and family law; particularly in such areas as consent to marry, marriageable age, choice of spouse, custody of children, widowhood, property rights etc.

It is to be stressed that most customary laws and practices are enforced by virtue of our dual system of laws. The High Court Laws empower Judges of the various State High Courts to enforce customary laws provided such are not obnoxious or repugnant to natural justice, equity and good conscience and are not contrary to other enactment.

Sharia Court's establishment in the applicable States administer Islamic law to person who are of the Islamic faith.

Nigeria has not yet signed the Convention on Consent to Marriage, Minimium Age for Marriage and Registration of Marriage. There have been proposals to the Federal Government to fix the age of marriage at 18 years.

(b) The same right to freely choose a spouse

Persons marrying under tne Act and person who are of full age and capacity and person contracting marriage for a second or subsequent times do freely choose their spouses. However, child marriages still obtain in many parts of the country, particularly marriages under the customary law.

(c) The same rights and obligations during marriage and at its dissolution

Spouses under the statutory marriage have the same rights during marriage and at its dissolution.

Under the Matrimonial Causes Act, the wife is entitled to her own domicile and has exactly the same right as her husband concerning custody of the children, and

concerning matrimonial offences, etc.

Under Islamic law marriage, the spouses have equal rights to a large extent in matters of property ownership and marital obligations. Infact, when the marriage is to be dissolved, the same oppotunity is given to the spouse to terminate it when it no longer serves its purpose and has turned into an unbearable burden. The husband can bring about the dissolution of marriage in three different ways, namely Talaq, Ila and Zihar and similarly, the wife can terminate the marriage by three ways namely, Khul repudiation of marriage in exchange for material compensation, Tafwid - by proxy, here the husband delegates his authority to divorce his wife; and by option of puberty - that is to say a minor who was married to her husband could upon attainting majority opt out or affirm the marriage. The wife has a right to all her property without any condition.

But under the customary law marrige, the parties do not have equal rights in matters of marriage, dissolution and right of property. This is because the marriage is seen as a union not between the spouses but between their two families.

(c) Interest of the child being paramount

Under the Matrimonial Causes Act and Islamic law, at dissolution of marriage, the interests of the children is paramount covering and custody and related matters.

Either parent can be granted custody unless there is any particular reason why a parent should be refused custody. Under Islamic law upon dissolution, both spouses have equal rights to custody. Under customary law, custody essentially belongs to the man. However very young children could be left in the custody of their mother until they are old enough to elect.

A child derives his Nigeria citizenship from his father or his mother.

(d) Right to decide the number of children

This is a function of personal decision of the couple. There has been extensive public enlightenment campaign to educate women of the gains of smaller families.

An attempt was made to peg the number of children per woman at four. The move was strongly decreed as being discriminatory of women and was dropped.

(e) Property Rights

Except under customary law which varies from place to place, women's rights in Nigeria to own property is not legislatively hampered.

Infact, all State Governments in Nigeria treat married women as unmarried for the purpose of allocation of land and Government built low cost houses. Under customary law, a woman has no right to her husband's property or income except the right to support.

But under section 70 of the Matrimonial Causes Act 1970, a wife of a monogamous

marriage who is in a better financial position than her husband, has a duty, upon the dissolution of the marriage, to maintain him and the Court will order financial relief of the husband. In all customary law systems, the wife has no right to her husband's estate when the marriage is terminated by divorce.

Under Islamic law the wife owns property different and distinct from her husband. Her husband's property is family property. On his death, she has a share in the estate.

(g) Adoption Laws

Adoption of babies by childless couples, single parents or purely for humanitarian considerations is not yet a very widely accepted concept. However in some States, there are adoption laws under which persons are considered fit and proper may adopt babies who are either abandoned or born by women or girls who are ill-prepared to raise them. Priority is given to childless couples even though single or unmarried women are known to have adopted children. The law itself does not discriminate but one notices that the discretion of the administrative officer-incharge counts a great deal.

(h) Family Support Programme

To achieve its set objectives, the Family Support Programme supports and collaborates with government in the implementation of programmes in the following sectors:

(i) Health

(ii) Education

(iii) Women in Development

(iv) Agriculture

(v) Child welfare and youth development

(vi) Disability and destitution

(vii) Income generation

(viii) Facilitating the provision of shelter for families from on-going housing programmes of government.

For the implementation of these programmes, national coordinating committees have been established at the National, State and Local Government levels to cope with the challenging demands of the Nigerian family. The First Lady and the initiator of the Programme is the grant patron of the Programme while the National and State machineries including the focal points for the advancement of women in the line Ministeries

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and a cross section of Non-Governmental Organisations are members of the coordinating committees at all levels.

In order to establish core projects of the Family Support Programme a funding for government programmes. Such projects being established are: maternal and child care centre, shopping complex and a recreational centre.
The Family Support Programme which has a nation wide acceptance continues to provide a cushioning effect on the hardship of structural programme in the country.

Since inception, the FSP has successfully implemented projects tailored towards attaining its sets objectives by focusing on the following programme arena:-

Health Programmes:-

The Family Support Programme has identified the need for a specialist Hospital for Women and Children for early detection of disease that endanger their lives and has laid a foundation on the 2nd November, 1995 for the construction of the referral hospital, the first of its kind in Nigeria.

To combat child morbidity and mortality, a task force on National Programme on Immunization (NPI) was inaugurated by Her Excellency, The First Lady, Mrs Maryam Sani Abacha on December, 1995. The NPI was launched on 26th July, 1996 and children and women are nationally being immunized free right to the grassroots.

All the States have embarked on projects for the promotion of good health and alleviation of poor sanitary conditions in the family and society.

Education:-

The efforts of the FSP in recognition of the role of education in the setting up of a committee to come up with modalities for the establishment of a special University for women and the task force on Girl-Child education and Child Rights Implementation Committees have also been inaugurated at both National and State levels.

The implementation of the FSP projects has resulted in the;

(i) Establishment of multi-purpose centres; vocational centres for specific skill acquisition;

(ii) Provision of day-care centres and nursery schools;

(iii) Intensification of class literacy programmes and provision of Guidance and Counselling Services.

(iv) Income Generation:-

The Family Support Programmes places emphasis on income generating as a tool for encouraging units towards self-reliance and self sufficiency. In this

regard, the FSP has promoted the establishment of micro-enterprises, arts and crafts.

(v) Agriculture:
The FSP in its concern for the availability of food for all at affordable cost promotes agricultural ventures. It procured and distributed agricultural inputs such as fertilizers, farm implements and improved seedlings. Irrigation scheme for dry season farming and tractor hiring scheme arranged for women farmers at subsidized rate in the States where such services are required.

The FSP activities also focus on the improvement of quality of life for the aged widows, disabled and destitutes. To this effect, it has embarked on the development of widowhood rehabilitation centres, schools for the disabled, construction of resettlement homes for the aged and destitutes, supply of artificial limbs and wheel chairs to the disabled and leper colonies.

(vi) Zonal workshops are being organised to enlighten and sensitize Nigerian women on the twelve critical areas of concern to women in the Beijing Declaration and Platform of Action which was adopted at the Fourth World Conference on Women held in Beijing, China in September, 1995.

NIGERIA

SEPTEMBER, 1996.